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CONTENTS

ARTICLES

Jacob Oermen

The Issue Network as a Deliberative Space: A Case Study of the Danish Asylum Issue on the Internet 1

M. Zakir Saadullah Khan

Democracy and Economic Freedom: A Static Panel Data Analysis of South Asia 32

Sule Tomkinson

The Multiplicity of Truths about Human Trafficking: Beyond "The Sex Slave" Discourse 50

Oana Florina Pop

Between Non-Intervention and the Protection of Human Rights: A Moral Argument in Defence of Humanitarian Intervention 68

BOOK REVIEWS

Alexander Mühlen. *International Negotiations: Confrontation, Competition, Cooperation* (Münster: LIT Verlag, 2010).

Reviewed by: Dylan Kissane 93

Graham Smith, *Democratic Innovations: Designing Institutions for Citizen Participation* (New York: Cambridge University Press, 2009).

Reviewed by: Daniela Sirinic 95

Mojeed Olujinmi A. Alabi and Wahab Olasupo Egbewole (eds.) *Perspectives on the Legislature in the Government of Nigeria* (Kingdom of Morocco African Training and Research Centre in Administration for Development, 2010).

Reviewed by: Alexander B. Makulilo 98

Upendra Chidella, Parameshwar Rama Bhat and Vikram Singh Sirola, *In Defense of Liberal-Pluralism* (Newcastle-upon-Tyne: Cambridge Scholars Publishing, 2009).

Reviewed by: Karina Shyrokykh 101

Larbi Touaf and Soumia Boutkhil (eds.), *The World as a Global Agora: Critical Perspectives on Public Space* (Newcastle Upon Tyne: Cambridge Scholars Publishing, 2008).

Reviewed by: Viktoria Potapkina 103

Silja Häusermann, *The Politics of Welfare State Reform in Continental Europe – Modernization in Hard Times* (Cambridge: Cambridge University Press, 2010).

Reviewed by: Imre Gergely Szabó 106

Abrajano, Marisa A. and Michael R. Alvarez, *New Faces, New Voices: The Hispanic Electorate in America* (Princeton: Princeton University Press, 2010).

Reviewed by: Ksenia Krauer-Pacheco 109

Bonnie Honing, *Emergency Politics* (Princeton: Princeton University Press, 2009).

Reviewed by: Martino Bianchi 111

Nidhi Trehan and Nando Sigona (eds.), *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neo-liberal Order* (Houndmills: Palgrave Macmillan, 2010).

Reviewed by: Ivana Tomovska 114

Eiki Berg, Piret Ehin (eds.), *Identity and Foreign Policy. Baltic-Russian Relations and European Integration* (Surrey: Ashgate Publishing Limited, 2008).

Reviewed by: Ana Dinescu 116

NOTES ON CONTRIBUTORS 119

CfP Vol. 7, No. 3, September 2012 121

THE ISSUE NETWORK AS A DELIBERATIVE SPACE: A CASE STUDY OF THE DANISH ASYLUM ISSUE ON THE INTERNET

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Abstract

Through an analysis of the Danish asylum issue network on the Internet, this article discusses the possibilities of the online sphere as a deliberative space, where politics is happening. By assessing the hyperlink structure of the issue network and a subsequent content analysis of the claims presented by the various actors on the issue the study finds that even though the network contains the overall structures for a functioning deliberative space, the actual deliberation occurring between the actors is very limited. The issue network approach in this case study is seen to be a good way to identify relevant political issues online, but it does not manage to bring together the various antagonistic actors in one deliberative space online. In a triangulation of the results from the two separate analyses, the study further finds evidence, which suggests that the relationship between hyperlinks and deliberative activity is not as definitive as it is often assumed in network analysis.

Keywords: issue network, online, deliberative space, hyperlink, claims,

1. Introduction¹

During the past years the debate about asylum seekers in Denmark has taken place in many different political arenas. Politicians have discussed the issue in parliament and in the media, various organizations have presented their viewpoints to the very same politicians and to the international community (e.g. through the UN's Universal Periodic Review of Denmark in the spring of 2011), and activists have gone to the streets and to asylum centers to demonstrate their presence and willpower. The debate has been quite contentious in several of these arenas (e.g. with clashes between demonstrators and the police), yet it seems like that the issue has been performed differently by the various actors political actors in different arenas (politicians in one areas and civil society somewhere else). This might not be very surprising but it is problematic in a deliberative democracy perspective, and therefore there is a need to try to locate potential spaces, where such issues are being discussed by the more established (e.g. the government) and less established (e.g. advocacy groups) actors in the political spectrum. In this paper I assess whether the online sphere could be such a deliberative space.

¹ This paper is based heavily on my unpublished Master Thesis from Political Science, Central European University. An earlier version of the paper was presented at the International Association for Media and Communication Research (IAMCR) Conference in Istanbul 2011. I want to thank John Downing for his comments and my supervisor Stefania Milan for her thorough feedback and critical comments on my writing.

The online sphere has been studied quite extensively when it comes to social media sites, debate fora and other web 2.0 options, but the interaction that occurs between different websites have been analyzed to a far lesser extent. In this study I will engage with the network of these websites as a possible deliberative space where contentious politics is unfolding. A reason to study the relationship of websites is partly to find the most developed positions on the issue by the actors, and partly because prior studies in the field have found evidence that important political activity is forming around the websites of political actors through the network of hyperlinks between the websites. These "issue networks", as they have been called², offer us an opportunity to approach political deliberation from a very different perspective than the social media approach, since it looks at the deliberation across multiple websites instead of centering on one website (e.g. a debate forum)³ So far there is not a sufficient number of empirical studies to be able to evaluate the usefulness of the issue network approach.

Therefore, it is relevant to apply the theoretical framework to an appropriate case study, which in this article is the Danish Asylum Issue, to shed some light on the political deliberation on the Internet. I have chosen the Danish Asylum issue as a "most fitting"⁴ case that should be able to provide us with sufficient relevant actors and political activity online. This is meant to give the theory the best chances of finding a functional issue network, where political deliberation is happening. Accordingly, this article will discuss the question of whether the Danish asylum issue network constitutes a deliberative space. To do this I will map the network of relevant actors online and subsequently analyze the deliberation among these actors. By triangulating the results of these two methods it is also possible to briefly touch upon a more fundamental question of Internet research, namely, are hyperlink networks good indicators of deliberative activity among political actors on the Internet?

2. Operationalizing the Issue Network

Originally, the term "issue network" was described by the American political scientist, Hugh Heclo, as a network of professional actors forming around a policy issue that interacts directly with each other to debate, redefine and find new policy

2 Most notably by Richard Rogers and Noortje Marres, e.g. Richard Rogers and Noortje Marres, "Landscaping Climate Change: A Mapping Technique for Understanding Science and Technology Debates on the World Wide Web," *Public Understand. Sci.* 9(2000).

3 Richard Rogers, "Mapping Public Web Spaces with the Issuecrawler," in *Digital Cognitive Technologies: Epistemology and Knowledge Society*, ed. Claire Brossard and Bernard Reber (London: Wiley, 2010), 8.

4 Bent Flyvbjerg, "Five Misunderstandings About Case-Study Research," *Qualitative Inquiry* 12, no. 2 (Apr. 2006).

options.⁵ This idea of the organized network of actors that act deliberately and try to bring issues to the forefront of the political scene resonated with studies of “policy networks”⁶ as well as “advocacy networks”, which refers to networks of organizations that are “driven primarily by shared values or principled ideas”⁷. Common among these concepts is the general idea that these networks consist of more or less organized actors who in synergy try to achieve a shared political end-result.

Recently, a number of scholars, most notably Richard Rogers and Noortje Marres, have taken the concept a step further in suggesting that issue networks can be used to locate areas of contention as well as alliance-building online⁸. Following Marres, issue networks can be defined as “open-ended alliances” that are constituted by antagonistic actors who engage in the articulation and (re)formatting of controversial issues to influence the politicization of these issues in the formal political space.⁹ Actors in the network are connected through the issue – but do not necessarily agree with or know of each other in the network – and the issue itself is constituted by their expressions of opinions, claims or knowledge about the issue. In that way, issue networks are the site of politics where actors express views, ideas and knowledge about certain issues and “attempt to put these issues on the agendas of political institutions”.¹⁰ In this sense, issue networks can be seen as act of deliberation by actors in the political field.

So far issue networks have been used mostly to locate clusters of activist groups that mobilize on shared issues¹¹, but there have been attempts to locate truly

5 Hugh Heclo, "Issue Networks and the Executive Establishment," in *The New American Political System*, ed. Anthony King (Washington D.C.: American Enterprise Institute, 1978), 103-04.

6 E.g. Michael W. Kirst, Gail Meister, and Stephen R. Rowley, "Policy Issue Networks: Their Influence on State Policymaking," *Policy Studies Journal* 13, no. 2 (Dec 1984); William T. Gormley, "Regulatory Issue Networks in a Federal System," *Polity* 18, no. 4 (Summer 1986); James E. Skok, "Policy Issue Networks and the Public Policy Cycle: A Structural-Functional Framework for Public Administration," *Public Administration Review* 55, no. 4 (Jul. 1995).

7 Kathryn Sikkink, "Human Rights, Principled Issue-Networks, and Sovereignty in Latin America," *International Organization* 3(Summer 1993): 412.

8 Rogers, "Mapping Public Web Spaces with the Issuecrawler," 10.

9 Noortje Marres, "Network Is Format Work: Issue Networks and the Sites of Civil Society Politics," in *Reformatting Politics - Information Technology and Global Civil Society*, ed. John Asherson, Jodi Dean, and Geert Lovink (London: Routledge, 2006), 5.

10 Ibid.

11 E.g. Fieke Jansen, "Digital Activism in the Middle East: Mapping Issue Networks in Egypt, Iran, Syria and Tunisia," *Knowledge Management for Development Journal* 6, no. 1 (May 2010). or Marres, "Network Is Format Work: Issue Networks and the Sites of Civil Society Politics."

contentious deliberative spaces, e.g. climate change¹² and gun control groups on the internet¹³. The analysis of the climate change network found that the issue managed to engage different actors (governments, organizations and companies) in the debate and that the hyperlinks connecting the actors could be used to assess the positions of the individual actors on the issue¹⁴. In the gun control network on the other hand there was not sufficient interaction among the actors on both sides of the issue to see it as a functional deliberative space¹⁵. These sparse results call for a need to conduct further research in the possibility of issue networks to register politics in action, and at the same time tell us more about the relationship between linking and deliberative activity on the Internet.

To perform the analysis of the Danish Asylum issue network I will define exactly how I understand the issue network as a functioning deliberative space. In this context a deliberative space should be understood as a political arena (like the halls of parliament or the newspaper articles and debate pages), where different civil society actors as well as established politicians present their viewpoints on and discuss a given issue. Whereas the deliberative space in the offline world is demarcated by among other things, physical (not everybody has access to parliament) and institutional constraints (editors select who to interview on a given issue and which opinion pieces to publish in the newspaper), the space in the online sphere will be defined by the network of hyperlinks around the actors performing the issue. As such the online deliberative space is seemingly more democratic (the more links a website receives from other actors in the issue the higher is the likelihood that the website will be included in the network).

The actors are identified through their websites and they perform the issue by presenting political claims on these sites. For the network to actually be composed around an issue - instead of just being a social, professional or information network - it has to fulfill two conditions: First, the issue has to be active among different type of political actors (e.g. activist groups, organizations and official actors) who interact with each other through hyperlinks; and second, the actors represented in the network have to actually debate the issue, e.g. by providing statements, policies or spreading information about the specific issue. If both of these criteria are not fulfilled then the network cannot be said to constitute a functioning deliberative space.

12 Rogers and Marres, "Landscaping Climate Change: A Mapping Technique for Understanding Science and Technology Debates on the World Wide Web."

13 Zachary Devereaux et al., "Using the Issue Crawler to Map Gun Control Issue-Networks," in *Annual Meeting of the American Political Science Association* (Toronto, ON, Canada, Sep 3-62009).

14 Rogers and Marres, "Landscaping Climate Change: A Mapping Technique for Understanding Science and Technology Debates on the World Wide Web."

15 Devereaux et al., "Using the Issue Crawler to Map Gun Control Issue-Networks."

3. Linking as Acts of Communication

The basic theory behind issue network analysis is that hyperlinks can be used to locate the relevant actors in the articulation of the issue on the Internet.¹⁶ This idea builds on the assumption from network analysis that the number of links (or edges) a given website (or node) receive can be used to assess its relative importance (or centrality) in the network.¹⁷ By looking at how people (in social network analysis), infrastructure (in information networks) or websites (in hyperlink analysis) are organized in networks it is possible to assess which actors that are most fundamental for the sustainability of the network and can exercise most power over others in the network. Whereas most network analyses operate with a large-n sample that is able to generate generalizable results and therefore suitable for advanced statistics, issue network analyses often take a smaller sample that allows for less extensive statistical analysis, yet at the same time make it possible to engage closely with the interaction between the actors in the network. Thereby, the issue network as a multi-website approach¹⁸ opens up for a network analysis on the meso-level that is situated between the classical network analysis (macro-level) and the qualitative website analysis (micro-level).

The reason hyperlinks can be said to demarcate the issue network and thereby include relevant actors and exclude irrelevant ones is because these links are seen to hold a special communicative value.¹⁹ The decision to provide links to other websites is assumed to be structured, as opposed to random, and motivated by a choice of association. At the most fundamental level, a link between websites signals recognition of existence. As Rogers puts it:

Somewhat akin to a footnote in a manuscript, a hyperlink is thought of here as an acknowledgement by one organization of another organization's relevance to the discourse, based on some appreciation for that latter organization's knowledge and reputation. A link indicates 'belonging'²⁰.

The number of links coming to a specific website can be interpreted as an indicator of the authority given to that site or to the trust or prestige granted to that site. Likewise, in networks where a few pages receive a majority of all the links these links

16 Richard Rogers, "Operating Issue Networks on the Web," *Science as Culture* 11, no. 2 (2003).

17 Han Woo Park and Mike Thelwall, "The Network Approach to Web Hyperlink Research and Its Utility for Science Communication," in *Virtual Methods - Issues in Social Research on the Internet*, ed. Christine Hine (Oxford, NY: Berg, 2005).

18 Rogers, "Mapping Public Web Spaces with the Issuecrawler," 8.

19 Rogers and Marres, "Landscaping Climate Change: A Mapping Technique for Understanding Science and Technology Debates on the World Wide Web," 144.

20 Rogers, "Operating Issue Networks on the Web," 204.

can be interpreted as a sign of popularity – “the winner takes it all”²¹. Accordingly, the decision to provide or not to provide links to another website holds communicative value exactly because it can tell us how certain websites view other websites and their importance to the deliberation. Therefore, it is important to approach the issue network as a “selective associational space”²² that is being created and maintained by the linking between the actors.

Earlier analyses of issue networks and other online networks have suggested that the constellation of the associational space follows certain trends.²³ This has been confirmed in other types of network studies. Large-scale studies of the linking patterns between websites show that there exists a high degree of homophily – that is the tendency to prefer other actors of the same type as yourself - among the different types of users, e.g. political actors linking to other political actors, organization linking to other organizations and so on²⁴ as well as a tendency to prefer other actors with the same ideological stance on politics²⁵. In the study of issue networks certain actors (e.g. respectable NGOs) often have less intention to provide links to other actors or return links to websites that link to them, either because they do not recognize the actor’s importance to the network or because they do not wish to be associated with those websites²⁶. Even though the interpretation of the linking process will always be context-dependent these trends should affect the expectations to the issue network. The distribution of hyperlinks among websites can be expected to be quite unequal among the various actors in the network, and therefore it is helpful for the subsequent analysis to formulate two hypotheses about the constellation of the issue network:

21 Han Woo Park, Mike Thelwall, and Randolph Kluver, "Political Hyperlinking in South Korea: Technical Indicators of Ideology and Content," *Sociological Research Online* 10, no. 3 (Sep 2005).. They can also be a sign of importance or usefulness of a given website for the community within a particular field (determined by a key word query) as is the basis for many search algorithms, most notably Google Sergey Brin and Larry Page, "The Anatomy of a Large Scale Hypertextual Web Search Engine," *Computer Networks and ISDN Systems* 30, no. 1-7 (Apr 1998).

22 Rogers, "Mapping Publib Web Spaces with the Issuecrawler," 117.

23 Rogers and Marres, "Landscaping Climate Change: A Mapping Technique for Understanding Science and Technology Debates on the World Wide Web."

24 Park, Thelwall, and Kluver, "Political Hyperlinking in South Korea: Technical Indicators of Ideology and Content."; Shaomei Wu et al., "Who Says What to Whom on Twitter," in *International World Wide Web Conference Committee (IW3C2)* (WWW 2011, March 28–April 1, 2011, Hyderabad, India.2011).

25 Lada Adamic and Natalie Glance, "The Political Blogosphere and the 2004 U.S. Election: Divided They Blog," in *LinkKDD '05: Proceedings of the 3rd international workshop on Link discovery* (2005).

26 Rogers and Marres, "Landscaping Climate Change: A Mapping Technique for Understanding Science and Technology Debates on the World Wide Web," 146-152.

- 1) different types of actors link more often to other actors of the same type (e.g. official websites to other official sites); and
- 2) the direction of the links go mainly from less organized actors (e.g. smaller civil society groups) to more organized actors (e.g. larger NGOs).

These general hypotheses obviously conflict with the criteria for the issue network presented above, but that only confirms the obstacles one must expect when trying to find issue networks on the Internet. Needless to say, it is possible to locate contentious issue networks even though both of the hypotheses should be confirmatory (as long as they are not absolute for all instances of interlinking between the various actors). Before I turn to the results of the analysis I will briefly discuss the methodological framework that I use to aggregate the data.

4. Mapping the Network and Analyzing the Claims

To identify the issue network I will do an analysis of the relevant webpages using a quantitative web crawling tool called the "Issue Crawler". The tool has been developed by Richard Rogers.²⁷ Issue Crawler looks through the relevant part of the web (whose boundaries are defined by the initial starting points, i.e. websites, which the user has selected) and searches for co-links between the actors. All the actors that share at least two links with other actors in the network will be included in the resulting issue network²⁸. If a webpage receives a sufficient amount of hyperlinks from other webpages that are recognized as part of the network, then this webpage will be considered as relevant to the issue. Likewise, if a webpage provides links to other webpages, the recipients will achieve a higher relevance for the network. The more hyperlinks a given webpage receives from other relevant actors, the more important it will be for the sustainability of the network. Furthermore, Issue Crawler registers the amount and direction of the links between the actors and visualizes these relationships in a graphical map. This quantitative data can be used for the analysis of the structure of the network, that is to say, which actors occupy the central positions in the network and what are the directions of the links between the different types of actors.

Whereas Issue Crawler can be used to locate the issue network it cannot tell us much about the deliberative activity in the network. The mapping of the network can identify the relevant actors and suggest their relationship with each other and the analysis of the deliberation can tell us whether this relationship in fact translates into political action. In order to assess the deliberative activity I will use the concept

27 Issue Crawler is publicly available at www.Issuecrawler.net

28 Rogers, "Mapping Public Web Spaces with the Issuecrawler."

of “political claims”²⁹ to determine how active the political issue is among the actors in the online sphere. According to Koopmans and Statham, the political claims should be understood as utterances, actions or other statements made in public and can be defined as “the strategic demands made by collective actors within a specific contested issue field”.³⁰ This definition fits well within an issue network scope with one adjustment; instead of restricting the analysis to collective actors alone, I include every actor in the issue network as potential claims makers, whether they are government representatives, organizations, activist groups, institutions or individuals.

In the analysis I register every instance of claims-making made by the actors and code the overall theme (or sub-issue) of the claim (see Appendix A) as well as the basic framing of the claim. Framing should be understood here as the process through which meaning is assigned to the claim and it designates the attitude that the actors take on a given issue and the understanding of the issue that the claim-maker would like other actors to adopt.³¹ Hence, the claims as analytical units can be used to assess the activity of the network and the framing reveals the vibrancy of this activity. If a sufficient number of different actors present claims about the same sub-issue, then I find it justified to see the issue as active. Given the fact that the different types of actors not necessarily present different perspectives on the issue it is necessary to establish how the framing of the issue takes place. If there is a sufficient degree of framing disputes or counter-framings found in the claims about the same sub-issue, then it makes sense to see the issue network as vibrant as well. This I will show by identifying each framing process as being mainly confirmatory of the actions by the policy-makers, oppositional to these actions or taking an overtly neutral stance. When these conditions are satisfied, it makes sense to talk about the issue network as a site of politics.

Since the goal of this analysis is to establish the interaction among various political actors there is a need to construct a typology of actors. Here I will differentiate mainly between state actors representing the official (or the government) view on one side, and civil society actors representing a cacophony of views on the other

29 Ruud Koopmans and Paul Statham, "Political Claims Analysis: Integrating Protest Event and Political Discourse Analysis," *Mobilization: The International Journal of Research and Theory about Social Movements, Protest and Collective Behavior* 4, no. 2 (1999).

30 Ibid., 206.

31 This conception of framing builds largely on the activist group literature on “collective action frames” David A. Snow et al., "Frame Alignment Processes, Micromobilization, and Movement Participation," *American Sociological Review*, 51, no. 4 (Aug. 1986). However, I focus here more on the framing processes rather than frames as analytical units in themselves (fixed entities) as have been presented by Robert D. Benford, "An Insider's Critique of the Social Movement Framing Perspective," *Sociological Inquiry* 67, no. 4 (Oct. 1997).

side. Since this latter group encompasses potentially many different advocacy groups spanning from individual activists to large-scale international organizations, I will split this category into two analytically separate sub-categories. Manuel Mejido Costoy has presented a taxonomy of civil society actors that differentiate between NGOs and activist groups, where the first is more institutionalized and formalized (e.g. with hierarchies of paid and unpaid labor) operating within the system to influence decision-makers (e.g. through lobbying), whereas the latter is less institutionalized, typically with a more loosely structured (or flatter) organization using more radical language and actions to convey their messages³². This differentiation makes it possible to distinguish between loosely organized civil society groups and the more professional NGOs and therefore I find it useful in this regard.

To avoid conceptual misunderstandings I will use the label "organizations" instead of NGO since I expect international organizations (such as the UN) to participate in the asylum network, who cannot be said to qualify as NGOs. Furthermore, the term "social movement" is very loaded (a whole genre of literature is dedicated to defining social movements) and therefore I will adopt the broader and more diffuse notion of "activist groups" to label this category. Accordingly, I will operate with three main categories of actors: state, organization and activist group. To make sure that I do not lose important information from actors that do not fall in these categories I introduce a fourth category, "other", to encompass the left-over websites. Obviously, this categorization cannot be exhaustive and, given the complexity of civil society actors, it is probably not redundant, either. However, for the sake of parsimony and since the most important analytical difference is between the state actors and the civil society actors it will suffice in the context of this analysis.

5. Mapping the Asylum Issue

Since Issue Crawler maps the network from a predefined set of starting points (websites) the most defining act in drawing up a useful issue network is to choose the exact starting points. There are obviously no objectively correct starting points, but there are definitely more or less adequate starting points in mapping a given network. Since the hyperlinks themselves cannot differentiate between relevant and irrelevant sites, it is solely up to the user to find the starting points that eventually will lead to the most interesting network. In that sense, Issue Crawler is like any other statistical tool: the difficult part is not to push the calculate button, but to find

32 Costoy, Manuel Mejido: "Toward a Typology of Civil Society Actors: The Case of the Movement to Change International Trade Rules and Barriers", United Nations Research Institute for Social Development, Civil Society and Activist groups Programme Paper Number 30, October 2007.

out what to calculate on. The tricky part is that the network might drift away from the issue, which basically means that even though some starting points have relevance for the issue the subsequent co-link analysis performed by issue crawler might reveal a completely different issue network or no network at all. Therefore, it is important to test different starting points. Another problem can be that even if websites are relevant for a given issue the remaining network proves to be too "generic" or broad to properly represent a given issue.³³ Furthermore, it is not necessarily the most active websites that constitute the most appropriate starting point, but rather the websites that, through links, will lead the crawler toward the most representative sites for the issue deliberation.³⁴

I tested different methods for choosing the starting points³⁵ and eventually found that a triangulation approach produced the most accurate network. In this approach, I choose two websites that had been deliberating the issue for some time, which were still active (had posted issue related material within the past 12 months) and maintained a rather long list of hyperlinks to other actors that could have relevance to the issue. These websites turned out to be two activist groups: *bedsteforaeldreforasyl.dk* and *afvisteirakere.dk*. The first group, Grandparents for Asylum, is popularly known for its creative demonstrations and work to improve the conditions for the asylum seekers³⁶, whereas the second group, Rejected Iraqis, specifically targeted the Iraqis that have been denied asylum and faced forced expulsion. Grandparents for Asylum has received extensive coverage in the

33 This is especially a liability if one tries to map issues in the blogosphere as have been showed by Bruns in Axel Bruns, "Methodologies for Mapping the Political Blogosphere: An Exploration Using the Issuecrawler Research Tool.," *First Monday* 12, no. 5 (2007).

34 Rogers, "Mapping Publib Web Spaces with the Issuecrawler."

35 First, I used a "snowball" analysis, which does not conduct the co-link analysis, but just follows the links from the starting points in a predefined number of iterations, to get a sense of the actors that are present online ("Asylum Seekers Network DK"). Thereafter, I tried to map the issue from the perspective of one activist group, one NGO and one official site as starting point ("Asylum Seekers Network DK2"), but that included too many irrelevant actors. An attempt to draw a transnational network failed ("Asylum Seekers Denmark – International"). I also tried the query-method, where the top sites on Google in a query of "asylum seekers" (in Danish) were chosen as starting points, but that map lost to many of the obvious key actors (Asylum Seekers network DK3 – query sample"). Likewise, my attempt to force oppositional actors in the network only dragged the network far away from the issue ("Asylum Seekers Network DK5 – Antagonistic"). The network that came closest in fulfilling my criteria was based on starting points chosen for their relevance ("Asylum Seeker Network DK4 – relevance"). This network shares many of the features (actors, links and centrality) with the triangulation network, which could be a sign that the varieties of the Danish asylum seeker network are fewer than what the theory would expect. This could probably be explained partly by the size of the country and the specificity of the issue itself. All the networks are publicly available online at *Issuecrawler.net* or by request from the author.

36 http://www.bedsteforaeldreforasyl.dk/?Hvem_er_vi%3F, last accessed at January 20, 2012.

mainstream media in recent years and both activist groups maintain a top ten ranking in a google.dk query of “asylum” or “asylum seeker” (in Danish). This should provide the crawler with a list of actors from two very active and highly credible actors that should have considerable relevance to the network themselves. I compared the lists of links from the two websites and choose the actors that were present in both lists as starting points for the co-link analysis³⁷. The resulting issue network included 50 webpages and contained a variety of actor types (activist groups, organizations, official sites and other related sites) with many actors receiving and sending links to the network, which could be seen as a sign of deliberation occurring. With this multiplicity of actors active in the network there is the possibility of finding an active issue network online and therefore I found this version of the map the most useful for my analysis. The graphical issue network map with inlinks (received links) and outlinks (sent links) can be found in Appendix B.

The simple descriptive statistics of the network (Table 1) show that the network contained 46 actors that could be divided into the four different types: Official actors (N=9) that includes the government sites and official institutions; Organizations (N=11) that include international organizations, international and national NGOs; Activist groups (N=19) who covers a range of different groups that make political claims and distribute information about the issue, but are not formally organized as the organizations and institutions; and lastly, the other group (N=7), which encompasses all the remaining actors, such as newspapers and blogs.³⁸

Table 1 also gives us some hints to how the network dynamics functions. It confirms the expectations that activist groups constitute the largest pool of actors (N=19) and that they provide most links to other actors in the network (7.0). These actors should be expected to be most vocal on the Internet and most focused on referring to other relevant actors, because their access to other media channels are more limited than the organizations and official actors. Likewise, it is not surprising that official actors and organizations receive more links on average from the whole of the crawled population (includes all the links that Issue Crawler has found from actors within and without the network) than the rest. However, it goes against my expectations that the organizations – and not the official actors - are the largest recipients of average references from network actors (6.0). This could be an indication that the other actors regard them as very influential for the sustainability of the network. Taking together with the fact that organizations are the least participatory actors in the network with only three average references to other actors in the network, these observations become very interesting. They signal that

37 The full list of starting points can be retrieved from www.issuecrawler.net under the issue network “Asylum seeker network DK6 – triangulation.”

38 An overview off all the actors divided into the different types as well as explanations for the hosts of the Danish websites can be found in the appendix C.

even though their activity seems important for the network, these actors might perform their activities related to the issue in other deliberative spaces (e.g. in the offline media or through lobbying in parliament). The “other” group of actors receives by far the fewest links from the network, which is unsurprising since these actors are supposed to be irrelevant to the issue deliberation.

To estimate the more precise relationship between the actors, we need to break down the links, so we can differentiate between links that are provided and received among the same type of actors and links that connect the different actor types. The result of this breakdown is presented in Table 2. Since the average amount of linking activity by the different types of actors varies substantially, see Table 1, I find it more fruitful to present linking as the percentage of the total links provided and received within the group. In general, there is a strong homophilic tendency among all the different types, apart from “Other”, which does not constitute a coherent group and therefore cannot be expected to exhibit homophily. In the group of official actors 48 percent of the links are coming from other official actors and likewise, 65 percent of the links these actors provide are directed toward official actors as well. The corresponding numbers for organizations are 34 percent for links received from and 64 percent directed to other organizations. Compared with the low average amount of links organizations provide to the network in general, this high number of links to other organizations again suggests that they have less interest in deliberation the issue online. Among the activist groups the homophily is also quite strong. 75 percent of links comes from other activist groups and 62 percent of the outlinks stay within that group. These observations are clearly in line with our expectations of a high degree of homophily among the actors (the first hypothesis).

Table 1: Average Activity of the Various Types of Actors in the Network

Type of actor	Amount (N)	Average unique links to network actors*	Average unique links from network actors*
Official	9	4.4	5.1
Organization	11	3.0	6.0
Advocacy	19	7.0	5.6
Other	7	3.4	2.4
Total	46**	5.0	5.1

Notes: The table shows the average amount of links that the types of actors provide to and receive from the other actors in the network.

* Unique link means that the links from or to a given actor is only counted once regardless of how many links there might exist between the actors (min. one link).

** The valid amount of actors (N) differs from the Issue Crawler data, because I decided to remove two broken pages, facebook.com and addthis.com, from the network and exclude the website, hrw.org, since it didn't contain links to or from the network. Furthermore, I recorded two instances of identical websites that occurred twice, sosmodracisme.dk and anstaendig.dk. I have collapsed these sites into two separate actors in the network. A full list of actors can be found in the Appendix C.

Table 2 also reveals other aspects of the interaction. On average, 28 percent of the links to the official actors comes from the activist groups, whereas only four percent of the links to the activist groups come from the official websites. Likewise, 45 percent of the links to organizations come from activist groups with a mere eight percent of links to the activist type being sent from organizations. This follows our expectation that activist groups would be active in linking to the more institutionalized official actors and organizations without a high degree of reciprocal links. Interestingly, the percentage of links from the official sites that are targeted at organizations (21 percent) is higher than the share of links that the organizations sent to the official actors receive (15 percent). This again highlights the fact that the organizations are seen as important actors and that both activist groups and official sites sustain the organizations central position in the network. In fact the low linking interaction between the official group and the activist groups show that it is the organizations that hold the issue network together by the mere recognition they receive from all the actors. It was expected that the interaction between the most established (official actors) and the least established (activist groups) would be rather low (in accordance with the second hypothesis), but this analysis shows that it is the organizations that is attributed the most importance and at the same time interacts the least through linking with the rest of the actors in the network.

One possible explanation for this phenomenon is that the organization group includes domestic NGOs that work closely with the government (e.g. the Danish Red Cross) as well as highly esteemed international organizations (such as the UN Refugee Agency) that are traditionally recognized by parties on both side of the political spectrum. But that does not explain why these organizations do not reciprocate links to the other actors in the asylum issue. Another explanation here would be that the organizations avoid taking an absolute position on the issue and try to maintain a balanced approach. In this sense, it would make sense if these organizations would refrain from acknowledging the activist groups due to the political sensitive aspect of being affiliated with overtly antagonistic (to the dominant policies) actors on the political scene, and at the same time be cautious in being too closely affiliated with the official institutions. However, at the moment these results are too speculative before the claims and the framing of the deliberation have been analyzed.

Table 2: Inlinks and Outlinks between Different Types of actors (percentage of total*)

Actor Type	Official		Organization		Activist group		Other		Total*	
	Inlink	Outlink	Inlink	Outlink	Inlink	Outlink	Inlink	Outlink	Inlink	Outlink
Official	48%	65%	13%	21%	28%	11%	11%	3%	100%	100%
Organization	17%	15%	34%	64%	45%	20%	4%	2%	99%	101%
Activist group	4%	15%	8%	16%	75%	62%	13%	7%	100%	100%
Other	12%	19%	2%	16%	76%	45%	10%	20%	100%	100%

Notes: The table shows the average proportion of links that the different types of actors receives (inlinks) and provide (outlinks) to other actors in the network, shown in percentages of total amount of links. Note: links here are measured as unique references, which mean that if any given actor provides more than one hyperlink to another actor this only count as one link. It is only the connection between the actors that are of importance here, not the frequency of these connections.

* The total does not add up to a hundred perfectly, because the percentages are shown without decimals.

6. Deliberating the Asylum Issue

To be able to collect all the different claims on the sites I have looked through the various press statements, news, reports and other documents published online between May 2010 and May 2011, as well as the general statements of purpose of the actors. Instead of operating with a fixed set of pre-determined categories, I have let the statements and their context determine the nature of the political claim by using an open-ended coding strategy³⁹. This has been to ensure that my rigid categories do not constrain the material too much, although some simplification of the complexity is obviously unavoidable. Since my goal is to map the different types of political claims that the actors make, I am not interested in the frequency each actor poses the same claims. Therefore, this differs from a more traditional content analysis in that I only code every unique claim made by the actor, which is sufficient for the comparative study of the variety of claims and the framing of the claims made by the actors. Furthermore, relevancy to the issue network is here is solely defined as, whether an actor presents claims or not. It is not self-evident that only active claims-makers are relevant to the issue, since the mere distribution of content in some situations can be very relevant for the politicization of an issue. However, given that my focus is on the issue network as a deliberative space I find it justified to restrict this analysis to active claims-makers. I have registered and coded every unique claim made by the actors⁴⁰ and compiled the information in the matrix below (Table 3).

Table 3 shows the distribution of claims across actor types and the general framing variations of these claims. The table reveals a number of interesting findings that need further discussion. The coding process revealed that 20 out of the 46 actors identified in the issue network posed clearly identified political claims about asylum seekers⁴¹. This distribution of claims-making actors across the types was such that there are three official, seven organization, ten activist and zero actors from the "other" group. This makes the official actors underrepresented, the organizations overrepresented and the activist actors proportionally the same compared to the full population in the issue network.⁴² If we see the amount of inlinks as a sign of

39 Koopmans and Statham, "Political Claims Analysis: Integrating Protest Event and Political Discourse Analysis."

40 The full coding can be retrieved by the author or found in my MA Thesis: "The issue network as a site of politics: Deliberating the Danish Asylum Issue on the Internet", http://www.etd.ceu.hu/2011/oermen_jacob.pdf.

41 Originally 22 actors presented relevant claims, but since both the Danish Refugee Council and the Danish Institute for Human Rights, had the same material on their Danish (flygtning.dk and menneskeret.dk) and English (drc.dk and humanrights.dk) websites I have collapsed these sites into drc.dk and humanrights.dk.

42 This is merely a simple observation from the small sample and not an expression of statistical significance.

importance to the issue, this observation follows our expectation since organizations were on average the largest recipients of links from the network, followed by activist groups and with official actors coming in last. Since none of the actors of the “other” type presented any claims on the asylum issue within they hold no relevance for the remainder of the framing analysis.

When we look at the overview data in Table 3 we get roughly the same picture. On average, the official actors present 3.25 different claims each, the organizations, 5.6 claims and the activist groups, 5.2 claims. This is interesting since on one hand it confirms our expectation that the actors with most links to the network – the activist groups - also presents most claims in total (52) and thereby contribute most to the deliberation. However, on the other hand, the organizations that provided the least number of links to the network on average (3.0) present most claims to the network on average (5.6). This suggests that the relationship between links and deliberation is more complex than at first sight, which I will discuss further. The framing confirms the expectations in general; the activist groups take an overtly critical stance on the official policies, the official actors remain neutral or defend the policies, and the organizations place themselves somewhere in between (without directly approving of the government policies). In the framing of the claims there is only one really surprising observation: the official actor, the Danish Institute for Human Rights, adopts a critical stance towards the government on several sub-issues. A closer scrutiny of the human rights institution reveals that its mandate in Danish politics is to be a sort of “critical watchdog” on behalf of human rights in Danish society⁴³. Therefore, they act more in line with the independent organizations even though they are a part of the official political establishment and receive their funding directly from the state budget.

When looking at the claims-making across the various categories we find little evidence of a functional deliberative space. The only areas where the interaction transcends the various actor types and positions on the asylum issue is within “International Treaties”, “Children’s Rights”, “Forced Returns (Greece)” and to a certain extent “Support Home”. The first two areas are key areas of the issue that have received substantial attention from the domestic and international community in recent years (most recently in the UN’s Universal Periodic Review of Denmark in the spring of 2011⁴⁴) and both rank as some of the most discussed areas of the asylum issue (13 and 15 claims-makers respectively).




43 See e.g. <http://www.humanrights.dk/who+we+are>, accessed on January 9 2011).

44 See e.g. the UN Compilation of documents from the UPR <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/WG.6/11/DNK/2&Lang=E>, accessed on: January 9, 2011.

Table 3: Overview of Political Claims Divided into Actor Types and Claim Categories

Actors	Claims Inter. treaty	Conditions in Centers			Asylum Seeker Process			Rejection of Seekers			Total
		Health Probl.	Human Rights	Deten- tion	Legal Prot.	Discri- minate	Child. Rights	Forced return Gre.	Oth.	Supp. Home	
Official (N=3)	3	1	1	1	0	1	2	1	2	1	13
Ministry for Integ.	X						X	X		X	4
Dan. Inst. Human	X	X	X	X		X	X		X		7
Refu. Appeal Boa.	X								X		2
Organization (N=7)	5	4	2	4	2	2	6	4	6	4	39
Amnesty Internat.	X	X		X			X		X		5
UN Refugee Agen.				X	X				X	X	4
Dan. Refu. Counc.	X	X	X	X	X	X	X	X	X	X	10
Amnesty DK	X	X	X	X		X	X	X	X		8
UN Human Rights	X	X					X		X	X	5
Danish Red Cross							X	X		X	3
Danish UN Assoc.	X						X	X	X		4
Activist (N=10)	5	7	5	5	6	5	7	4	6	2	52
SOS against Raci.		X	X	X	X	X	X	X	X		8
Cross-cult. Cent.										X	1
Arne Hansen	X	X	X	X	X	X	X	X	X		9

Comitt. Und. Ref.	X		X	X		X	X	X	X	X		8
Support Asyl. Ref.	X		X		X			X	X	X		6
Grand. for Asylum	X		X	X	X	X	X	X			X	8
Ass. Rejec. Iraqis								X		X		2
Visavis		X				X						2
Citiz. decent Den.	X	X	X		X	X	X					6
Amnesty Now				X						X		2
Total (N=20)	13	12	8	10	8	8	15	9	14	7	104	

The table shows the amount of claims that the actors present within the different claim categories. The colors attached to the claims represent the framing of the claims:  = claims are framed against the prevailing policies and identifies solutions that are better alternatives;  = claims are not framed against any specific responsible actor or they are framed more as policy suggestions than demands; and  = the claims that are framed in support of the current policies and justify actions taken to enforce these policies.

The data used in this table is taken from a content analysis in my MA Thesis, access: http://www.etd.ceu.hu/2011/oermen_jacob.pdf

The coding scheme and actor overview can be found in the appendices (A and C).

The discussion of international treaties centers on the hierarchy of domestic vs. international law and how much the government is expected to implement international treaties (e.g. UN and ECHR) and is as such a part of the greater debate about state sovereignty that is carried out frequently in the press and elsewhere. "Children's Rights" is a more case-specific issue that deals with the treatment of minors in asylum centers and in the juridical process and is an issue that manages to mobilize many critical voices because of its contentious nature. The discussion about forced returns to Greece is different, since it deals with a time-specific event, namely the gradual breakdown of the Greek social and justice system during the financial crisis, which was covered widely in the Danish press during the time of study. The government could not avoid the topic, probably because of its news value and the civil society actors could use the momentum to mobilize on the issue.

The last area that merits a few comments is the issue of whether to support asylum seekers close to their homes in order to avoid crowds of refugees arriving in Denmark. The category only engages a few oppositional actors (Danish Red Cross and the Grandparents for Asylum), who argue against the establishment of centers close to the homelands due to the risk of persecution locally and they are as such not against the proposal of increasing the support locally.⁴⁵ In the remaining issue categories there are no deliberation occurring across the spectrum and I will therefore not go deeper into the discussion of these areas of the issue deliberation here⁴⁶. Consequently, apart from the few categories discussed above the issue was neither active (no claims made) nor vibrant (contentious framing) in the online sphere. In this sense, the issue network could not qualify as a functioning deliberative space.

Before I turn to the concluding remarks, I wish to touch upon the relationship between the results from the two different analyses. To test the relationship between the centrality in the network - measured by inlinks - and the relevance to the network - measured by the number of different claims - I conducted a simple correlation analysis of the amount of inlinks received and the number of claims presented (see Appendix C). The correlating results are significant ($P < 0.05$, $n=46$), but rather small (0.30), which means that there is a tendency for actors that receive more links to also contribute more to the deliberation than others⁴⁷. This observation confirms that hyperlinks can play an important role in identifying the

45 See http://www.rodekors.dk/files/DRK_2011/Detgoervi/Danmark/Asyl/Rapporter%20og%20hoerings svar/Aarsberetning_2010.pdf and http://www.bedsteforaeldreforasyl.dk/?Breve_og_avisartikler, accessed on: January 9, 2011.

46 A thorough discussion of the qualitative differences in the framing among the actors can be found in my Master thesis, which is publicly available here: http://www.etd.ceu.hu/2011/oermen_jacob.pdf.

47 Full list of data of the network as well as calculations can be retrieved from the author upon request.

actors that prove to be the most vocal in the deliberation online, but the relatively humble correlation result suggests at the same time that hyperlinks cannot be sufficient indicators of this deliberative activity. One ironic fact, is that the most central actor in the network (measured by inlinks), The Danish Immigrant Counseling, do not present a single claim and therefore do not contribute to the deliberation at all (see Appendix C). Nonetheless, there is in fact a significant correlation between centrality in the network and relevance to the deliberation, which could be interesting to explore in further studies of other issue networks online, for example, to establish the causal relationship. An analysis of the amount of hits and visits these websites receive could provide an interesting perspective on whether the central websites in the network also maintain a high visibility and thereby importance on the wider web. This could also be used to assess how accessible the different claims and framings are online, for example, in the number of Google searches on different relevant keywords.

7. Conclusions

Through a mapping of the hyperlink network forming around relevant websites on the Danish asylum issue and a subsequent analysis of the claims-making by the actors on these websites this article has discussed the possibilities of seeing the online sphere as a deliberative space, where politics can happen. All in all, the analysis showed a network that, even though the network contained the overall structures for a functioning deliberative space (a hyperlink network that encompass a variety of political actors across the political spectrum), demonstrated very sparse deliberation across the political spectrum. The infrastructure was there, although centralized around organizations, yet the channels of communication were not used substantially. In a few categories there proved to be some deliberation occurring between the more established official actors and the less established organizations as well as the activist groups not commonly part of the political debates in the political arenas, which of course is a sign that the Internet has potential in forming a deliberative space for alternative politics to happen (outside of the parliamentary debates and the restricted space in the mainstream media). However, the picture still remained bleak for most parts of the issue network, which could at best be characterized by a form of coalition-network (especially among the activist groups, but also among the organizations to a certain extent).

In the network in general the organizations proved to be the most central actors (according to the interlinking between the different actor types), who were recognized as important by both sides of the spectrum. At the same time, the organizations did not reciprocate many links to these groups and could as such be interpreted as performing the issue in separate arenas (e.g. through lobbying or in the media). However, in the claims-making analysis the organizations proved to be the most active (on average), which might tell us more about the flaws of hyperlinks

in identifying the most active deliberators in the issue network than about the linking preferences of the organizations. A correlation analysis of the links received and claims made suggested a positive significant relationship, but with a very moderate correlation coefficient (0.30), which confirms the findings in the separate analyses that the linking patterns are helpful, yet inadequate, in identifying deliberation on the Internet. The relationship between links and deliberation online is an area that merits further research.

Research design like this has significant merit and of course some limitations. First of all, this study has disregarded the role of social media sites such as web fora, blogs, Facebook, Twitter and Google+ in the formation of the deliberative space. Many political actors across the spectrum obviously use these services to present their viewpoints and as such they have great potential and relevance. There are a couple of reasons, why these sites have been left out. First of all, they have a number of limitations (restricted access and format constraints such as word limits) that does not correspond with my attempt to locate the most fully developed claims of the actors, but more importantly, Issue Crawler is not capable of capturing the "deep pages" on the social media sites, which makes it impossible to analyze the activity on e.g. an actor's Facebook page.

A related limitation is that the actors not necessarily use the online sphere as their primary arena for deliberation. Especially the official actors and most likely the organizations as well use other media platforms (e.g. the mainstream media) as their primary space for political interaction. This whole offline world of media platforms and other opportunities – as well as the online possibilities of social media and web fora – is not accounted for here, which is a common shortcoming of analyses of political participation online. In general there is a need to conduct more comparative studies of political deliberation in offline and online media. One recent study by Koopmans and Zimmermann on the political communication among different types of actors online touched upon this question. They concluded that, even though less powerful actors (e.g. civil society groups) did achieve slightly higher visibility in the online sphere compared with the offline media, it was still the official political (state and party) actors that dominated the deliberation in both spheres⁴⁸. The question that still remains to be addressed in the future is, whether the hyperlink networks could as equally important as the offline interaction, or whether the online still remains an underused and underdeveloped deliberative space. My conclusions here have been rather tentative, and rightly so, because there is still a lot of research to be done before we can get a fuller picture, of whether the Internet indeed is a site of political action.

⁴⁸ Ruud Koopmans and Ann Zimmermann, "Transnational Political Communication on the Internet," in *The Making of a European Public Sphere*, ed. Ruud Koopmans and Paul Statham (New York, NY: Cambridge University Press, 2010).

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Appendices
Appendix A: Coding Guidelines for the Claims-Making

Claims	Key phrases
<i>International Treaties</i>	The Danish asylum policies are in compliance / violation with the multitude of relevant international treaties, such as the UN treaties (e.g. the UN Convention against Torture) on as well as the European Convention on Human Rights (EHRC); these international treaties are flawed and in need of revision to provide a sufficient backdrop for Danish asylum policies; Denmark has signed but not implemented treaties;
<i>Conditions in Centers</i>	
- Health problems	inhuman conditions in centers; care for torture victims and people suffering from psychological problems (PTSD), suicide attempts in centers; medical treatment of seekers;
- Detention	no end date for processing; detention without trial (Detention Center Ellebaek); asylum should be granted to seekers staying for longer periods in centers; detention justified; legal right to detention;
- Human Rights	Deprivation of rights to work, study and live: accommodation outside of centers, language training and basic schooling for children, further training for adults,
<i>Asylum Seeker Process</i>	
- Legal protection	proper counseling, legal representation, provision of interpreters; Refugee Appeals Board not a proper institution; opportunity to appeal;
- Discrimination	rating system makes it difficult to obtain citizenship; family reunification harder for asylum seekers; lack of positive discrimination in granting humanitarian residence permits to weak asylum seekers; sick / elderly / torture victims harder to get residence permit
- Children's rights	the need to treat children as separate case; keep unity of family; better care for unaccompanied minors; Residence permit for minors staying the majority of their life in DK; children right to health care

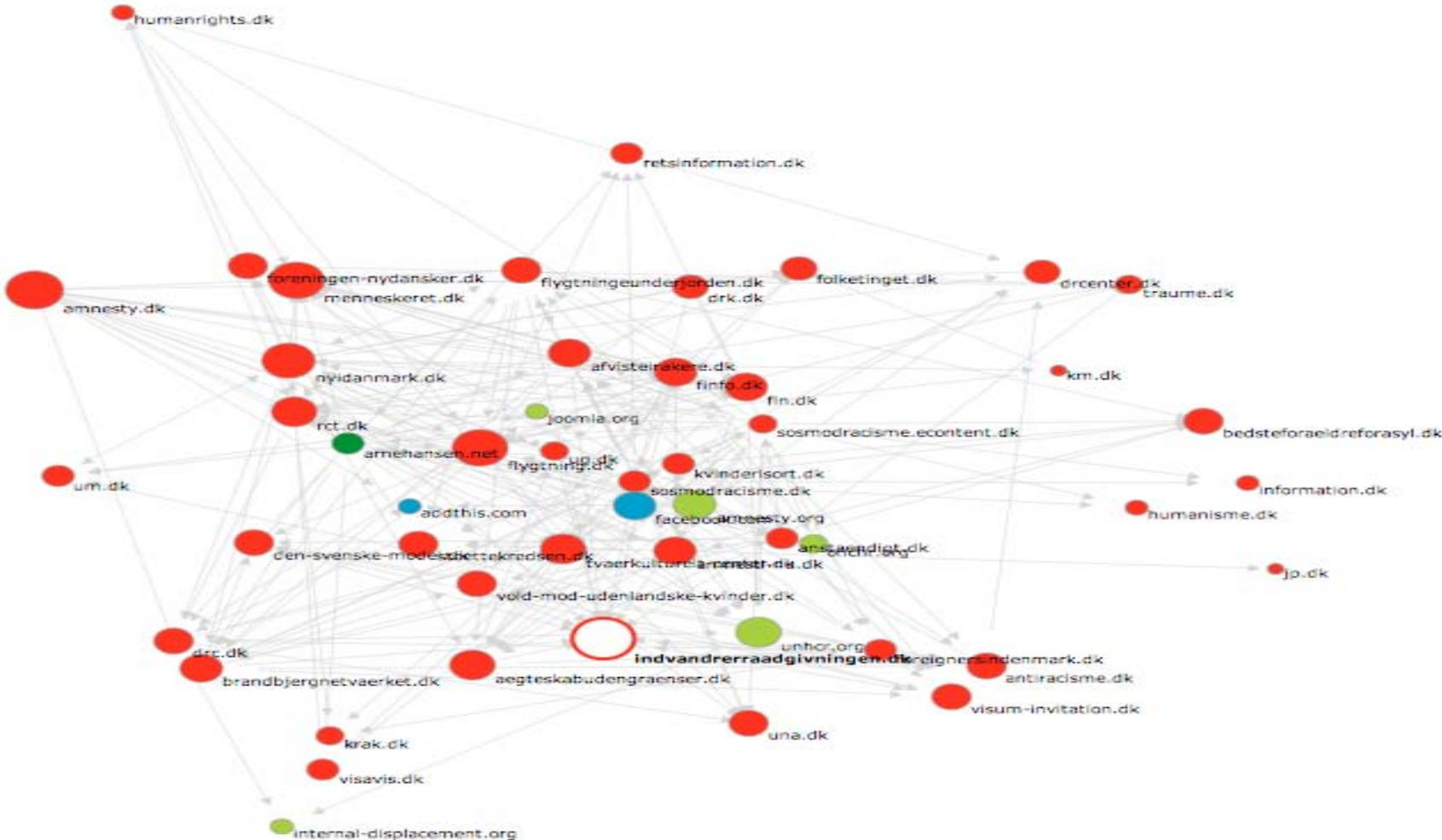
Rejection of Seekers

- Forced Return: Greece Lack of proper safety and protection of human rights in Greece; Dublin Convention; ECHR statement to stop returning seekers to Greece;

 - Forced Return: Other Expulsion of asylum seekers to areas, where their lives might be in danger (e.g. due to perpetual war conditions, fear of persecution and torture). Limited time frame between the decisions to expulse an asylum seeker and the act of expulsion; moral duty to; expulsion of torture victims and ill persons; refoulement: Iraq, Syria, Libya, Nigeria, Iran

 - Support Home Country Provide assistance in rebuilding home countries; survey the situation of repatriated asylum seekers; rebuilding in home countries; support of asylum seekers near home country; establishment of refugee camps in home country;
-

Appendix B: Asylum Issue Network



Appendix C: List of Actors in the Network

Rank*	Inlink	URL	Owner	Type	Base	Claims
1	24	invandreraadgivingen.dk	The Danish Immigrant Counseling	Activist	DK	0
2	17	Amnesty.dk	Amnesty Inter. Denmark	Organization	DK	8
3	16	flygtning.dk	Danish Refugee Council	Organization	DK	10
4	15	nyidanmark.dk	Danish Ministry for Refugees, Immigration and Integration	Official	DK	4
5	12	rct.dk	Research- and Rehabilitation Center for Torture Victims	Organization	DK	0
6	13	menneskeret.dk	Danish Institute for Human Rights	Official	DK	7
7	11	unhcr.org	The UN Refugee Agency	Organization	Int	4
8	10	Aegteskabuden graenser.dk	The Association for Marriage without Borders	Activist	DK	0
9	10	Vold-mod-udenlandskekvinder.dk	The Danish Immigrant Counseling	Activist	DK	0
10	9	drc.dk	Danish Refugee Council – English version	Organization	DK	-**
11	9	Tvaerkulturelt-center.dk	The Cross-cultural Center	Activist	DK	1
12	9	Visum-invitation.dk	The Danish Immigrant Counseling	Activist	DK	0
13	9	antiracisme.dk	The Danish Immigrant Counseling	Activist	DK	0
24	9	fln.dk	The Refugee Appeals Board	Official	DK	2
25	9	Bedsteforaeldre	Grandparents	Activist	DK	8

26	8	forasyl.dk Amnesty.org	for asylum Amnesty International	Organi zation	Int	5
27	8	den-svenske- model.dk	The Danish Immigrant Counseling	Activist	DK	0
28	8	Flygtningeunde rjorden.dk	The Committee for Underground Refugees	Activist	DK	8
29	8	Stoettekredsen. dk	Support Asylum to Refugees and Expulsed Persons	Activist	DK	6
30	8	Afvisteirakere.d k	The association for the support to rejected Iraqi Asylum seekers	Activist	DK	2
31	8	Amnesty-nu.dk	Amnesty Now	Activist	DK	2
32	7	Una.dk	Danish United Nation Association	Organi zation	DK	4
33	7	Um.dk	Ministry of Foreign Affairs	Official	DK	0
34	7	Finfo.dk	Library service on integration	Other	DK	0
35	7	Foreningen- nydansker.dk	The Association for the Integration of Immigrants in the labor market	Activist	DK	No
36	7	anstaendigt.dk	Citizens for a decent Denmark	Activist	DK	6
37	7	drk.dk	The Danish Red Cross	NGO	DK	3
38	6	Drcenter.dk	Documentation and Advisory Center for Race- discrimination	Organi zation	DK	0

Jacob Dermen: The Issue Network as a Deliberative Space

39	6	visavis.dk	Unknown	Activist	DK	2
40	6	sosmodracisme.dk	Sos against Racism	Activist	DK	8
41	5	Kvinderisort.dk	Women in Black	Activist	DK	0
42	5	arnehansen.net	Arne Hansen – private person	Activist	DK	9
41	5	folketinget.dk	The Danish Parliament	Official	DK	0
42	4	foreignersindenmark.dk	Unknown	Other	DK	0
43	3	Joomla.org	Joomla	Other	Int	0
44	3	Ohchr.org	UN Human Rights- Office of the High Commissioner for Human Rights	Organization	Int	5
45	3	Internal-displacement.org	Internal Displacement Monitoring Center / Norwegian Refugee Council	Organization	Int	0
46	3	ug.dk	Ministry of education	Official	DK	0
47	3	km.dk	The Danish Ministry for Church Affairs	Official	DK	0
48	3	traume.dk	Various organizations (incl. the Danish Refugee Council)	Activist	DK	0
49	3	Krak.dk	Unknown	Other	DK	0
50	2	humanrights.dk	Danish Institute for Human Rights – English version	Official	DK	-**
51	2	Information.dk	Information –	Other	DK	0

			Danish Newspaper			
52	2	retsinformation. dk	The Civil Affairs Agency	Official	DK	0
53	2	Jp.dk	Jyllands-Posten (newspaper)	Other	DK	0
54	2	Humanisme.dk	Rune Engelbrecht (private person)	Other	DK	0

The list only includes sites that are represented in the issue network. The rank and inlink score is based on the Issue Crawler Data from the network "Asylum Seeker Network DK6 – triangulation", which is publicly available on www.issuecrawler.net
 * The rank score is determined by the number of links a given site received from the crawled population.

** A few actors have both an English and Danish website. These have been collapsed into one claims-maker.

DEMOCRACY AND ECONOMIC FREEDOM: A STATIC PANEL DATA ANALYSIS OF SOUTH ASIA

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Abstract

Economic freedom leads to and maintains democracy – this hypothesis popularly known as Hayek-Lipset-Friedman hypothesis has been examined empirically in this study for South Asian region. Using data on economic freedom and political freedom (democracy) for a panel of five South Asian countries over the period 1995-2008, the Granger-causality test confirms that democratic society must be economically free, it does not happen other way round. Applying static panel data estimation technique this study also finds significant positive relationship between democracy and economic freedom and the degree of responsiveness of economic freedom on democracy is found less proportionate in South Asian countries. It is also found that economic prosperity fosters democracy in this region, whereas government spending does not have significant impact on the level of democracy in South Asian countries.

Keywords: economic freedom, democracy, panel data, South Asia.

1. Introduction

Since the work of Friedrich A. Hayek, *The Road to Serfdom*, both political scientists and economists have been puzzled about the link between democracy and economic freedom. It is important to understand the association between democracy and economic freedom because democracy is a multifaceted and complex system that is not simply a political system – it is an economic system too¹. Hayek wrote, "If 'Capitalism' means here a competitive system based on free disposable over private property, it is far more important to realize that only within this system is democracy possible. When it becomes dominated by a collectivist creed, democracy will inevitably destroy itself."² Hayek, in the jacket notes of the first edition of his book, expressed his belief that economic freedom is the prerequisite of any other freedom, including political freedom or social freedom. Lipset³ in his seminal work has the view that democracy depends on the level of economic development of a particular society: the more developed a society is

1 Morgan Shields, *Political Freedom and Economic Freedom: How Political Rights and Civil Liberties Affect Open Markets* (Washington: George Mason University, 2009) [database online]; available at: www.lagrange.edu/resources/pdf.

2 Friedrich A. Hayek, *The Road to Serfdom* (Chicago: University of Chicago Press, 1944 [1976]), 69-70.

3 Seymour M. Lipset, "Some Social Requisites of Democracy," *American Political Science Review* 53 (1959), 69-105.

economically, the greater will be its chance of sustaining democracy. In explaining Lipset, Bilson⁴ argues that economic development enables the dynamic elements of the society to become independent of the government both economically and in terms of social status, thus promoting democracy.

In *Capitalism and Freedom*, Milton Friedman⁵ echoed Hayek and Lipset. He believes that economic freedom is an indispensable means towards the achievement of political freedom (democracy). Economic freedom is important for democracy because "Viewed as a means to the end of political freedom, economic arrangements are important because of their effect on the concentration or dispersion of power".⁶

The purpose of this paper is to examine empirically the "Hayek-Lipset-Friedman Hypothesis" that economic freedom is necessary for democracy to emerge. The Hayek-Lipset-Friedman Hypothesis says that politically free (democratic) societies must be economically free; it does not say that economically free societies must be politically free. Indeed examples of this latter combination come readily to mind in places such as Singapore, Hong Kong, and selected oil-rich nations in the Middle-East. This paper aims to offer evidence concerning the direction of causation between measures of economic freedom and democracy, and then examine that relationship between these two, using panel data set of five South Asian countries (Bangladesh, India, Nepal, Pakistan and Sri Lanka) over the period 1995-2008.

South Asia, a region with about 23 percent of the global population, one-third of whom live below the poverty line, having only 2 percent of global income, finds itself in the midst of significant economic, political and social transformation since early 1990s. With this transformation toward more freedom South Asia has made considerable achievements in terms of overall economic growth with a rate about 5.5 percent for the last two decades, which has been much higher compared to the previous two decades.

Far-reaching economic reforms geared toward more economic freedom in the region have created impulses for growth which have the capacity to unleash the potential that has remained untapped in the region. Though there appears to be a consensus on economic reform, political realities have often resulted in instability and conflict that have acted as negative influences. States spend enormous time and resources in conflict resolution and countering instability that deviates from its

4 John F. O. Bilson, "Civil Liberty: An Econometric Investigation," *Kyklos* 35 (1982), 94-114.

5 Milton Friedman, *Capitalism and Freedom* (Chicago: Chicago University Press, 1962 [2002]), 9.

6 Milton Friedman, "Preface" in James Gwartney and Robert Lawson, *Economic Freedom of the World: 2002 Annual Report* (Vancouver: Fraser Institute, 2002), xvii-xxi.

essential function of providing an enabling environment where basic freedoms, civil and political freedom, are guaranteed.

South Asia has had mixed experiences with political institutions whereby states have followed both democratic and authoritarian policies. There is political deprivation and a marked lack of ability demonstrated by the people participating in the decisions making processes that directly affect them. At one level this leads to a detachment by policy makers from the concerns of the people. This also results in a lack of accountability and transparency in governance that further alienates the people from the institutions of governance. Such governance often leads to corruption, political patronage, low observance of the rule of law and distorted delivery of public goods and services. During the 1990s some SAARC countries have had experience in formal democratization via institutions, but the essence of democracy, in terms of the freedoms of the people, has not yet borne fruit. To realize the potential of South Asia, the achievement of economic freedom has to be a central concern on which democracy and people's right depends, just as Hayek, Lipset and Friedman assert. This paper aims to examine the Hayek-Lipset-Friedman hypothesis in South Asian context.

The paper is structured as follows: Section 2 provides a brief review of the key theoretical arguments behind a democracy-economic freedom association, Section 3 discusses the methodological issues and the data, Section 4 is the heart of the paper, presenting the causality and results of the regression analysis, and the paper is concluded in section 5.

2. Association between Democracy and Economic Freedom

Democracy, as a system of national policies, gained wide acceptance in the past half century because democratic systems of administration benefit countries in numerous ways.⁷ Researchers have advanced various definitions of democracy and there are two major schools of thought about the meaning and about what constitutes democracy. The first major school of thought, known as the 'procedural view', believes that democracy is a form of government that emphasizes the procedures that enable the people to govern or how decisions are made. A typical perspective might be that "the central procedure of democracy is the selection of leaders through competitive elections by the people they govern."⁸ Schumpeter⁹, who has promulgated the idea of procedural democracy, assumed that the electoral process is at the core of the authority placed in elected officials and ensures that all

7 Khalid Mahmood, Toseef Azid and Masood M. Siddiqui, "Democracy and Economic Growth in Pakistan," *Research Journal of International Studies* 15 (2010), 77-86.

8 Samuel P. Huntington, *The Third Wave. Democratization in the Late Twentieth Century* (Norman, University of Oklahoma Press, 1993), 6.

9 Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1947).

election procedures are duly complied with. This view of democracy prescribes a set of normative principles for democratic decision making: universal participation, political equality, majority rule and responsiveness.¹⁰

The second major school of thought, the 'substantive view', sees democracy in the substance of government policies, in freedom of religion and the provision for human needs or, more broadly, in what government does. According to this school of thought democracy is embodied in the substance of government policies rather than in the policymaking procedures. Most substantive theorists require that government policies should guarantee civil liberties and civil rights. In addition social and economic rights are also added to the substantive outcomes that a true democracy insures.

The determinants of democracy are disputed due to the problem of conceptualization, measurement and aggregation.¹¹ Whitehead¹² and Drake¹³ identified international factors such as diffusion of democratic ideas and global markets as important determinants of democracy. Schmitter¹⁴ finds the impact of the international context upon regime change, whereas Pridham¹⁵ did not. Barro¹⁶ identified economic variables like real per capita GDP, education, urbanization as measures of democracy. No single measure offers a satisfactory response to all the three problems above. Combining components of both procedural and substantive school of thought democracy would be defined as an "umbrella concept", according

10 Universal participation principle says that everyone in a democratic society should participate in governmental decision-making. The principle of political equality establishes equality in political decision-making providing for one vote per person, with all votes counted equally. The decision of a group must reflect the preference of more than half of those participating; a simple majority, known as majority rule. Responsiveness states that elected representatives should respond to public opinion. (Berry Janda and Jerry Goldman, 2008)

11 Gerardo L. Munck and Jay Verkuilen, "Conceptualizing and Measuring Democracy: Evaluating Alternative Indices," *Comparative Political Studies* 35(5) (2002), 5-34.

12 Laurence Whitehead, "Three International Dimensions of Democratization", in L. Whitehead, ed. *The International Dimensions of Democratization* (Oxford: Oxford University Press, 1996), 3-24.

13 Paul W. Drake, "The International Causes of Democratization, 1974-1990," in *The Origins of Liberty: Political and Economic Liberalization in the Modern World*, ed. Paul W. Drake and Mathew D. McCubbins (Princeton: Princeton University Press, 1998), 70-91.

14 Philippe C. Schmitter, "The Influence of the International Context upon the Choice of National Institutions and Policies in Neo-Democracies", in *The International Dimensions of Democratization: Europe and the Americas* ed. L. Whitehead (Oxford: Oxford University Press, 1996), 27.

15 Geoffrey Pridham, "Encouraging Democracy," footnote 1, in *The International Dimension of Democratization in Eastern Europe* ed. G. Pridham, E. Herring and G. Sanford. (New York: St. Martin, 1994).

16 Robert J. Barro, "Democracy and Growth," *Journal of Economic Growth* 1 (March 1996), 1-27.

to Jackman¹⁷. A number of researchers like Bollen¹⁸ and Inkels¹⁹ provide an overview of measurement issues on democracy. Dahl's²⁰ measures of democracy are by far the most accepted and the widely-used *Gastil Index* of democracy or *Freedom House Indicators* are built around them²¹. Following a number of previous work²² this study uses the Freedom House Indicators to present democracy index in its empirical study. The Freedom House index of democracy is not above criticism, just like any other index of democracy available. But still it is widely used as a measure in empirical studies, since it has the longest historical data and is comprehensive.

Economic freedom refers to the quality of a free private market in which individuals voluntarily carry out exchanges in their own interests. Economic freedom, as discussed by Friedman²³, has three components: first and most important, is the rule of law, which extends to the protection of property rights; secondly, wide-spread private ownership of the means of production; thirdly, freedom to enter or to leave industries, freedom to engage in competition and freedom to trade. This economic freedom provides minimal government influence over private economic activity, and provides for the rule of law rather than statutory regulations to attenuate economic externalities.

17 Robert W. Jackman, "Cross-National Statistical Research and the Study of Comparative Politics," *American Journal of Political Science* 29(1), (1985), 161-182.

18 Kenneth Bollen, "Political Democracy: Conceptual and Measurement Traps," *Studies in Comparative International Development* 25 (1990), 7-24.

19 Alex Inkels, *On Measuring Democracy* (New Brunswick NJ, Transaction Publishers, 1991).

20 Robert Dahl, *Polyarchy: Participation and Opposition* (New Haven: Yale University Press, 1971).

21. Dahl proposes eight requirements for democracy: a. freedom to join and form organizations, b. freedom of expression, c. right to vote, d. eligibility for public office, e. right of political leaders to compete for support and votes, f. alternative sources of information, g. free and fair elections, and h. government policies depend on votes and other expressions of preference.

22 Michael A. Nelson and Ram D. Singh, "Democracy, Economic Freedom, Fiscal Policy, and Growth in LDCs: A Fresh Look," *Economic Development and Cultural Change* 46(4), (1998), 677-696; Alberto Ades and Rafael Di Tella, "The New Economics of Corruption: A Survey and Some New Results," *Political Studies* 45 (Special Issue, 1997), 496-515; Wayne Sandholtz and William Koetzle, "Accounting for Corruption: Economic Structure, Democracy, and Trade," *International Studies Quarterly* 44(1), (2000), 31-50; Rukmani Gounder, "Political and Economic Freedom, Fiscal Policy, and Growth Nexus: Some Empirical Results for Fiji," *Contemporary Economic Policy* 20(3), (2002), 234-245; Abdiweli M. Ali and Hodan Said Isse, "Determinants of Economic Corruption: A Cross-Country Comparison," *Cato Journal* 22(3) (2003), 449-466.

23 Milton Friedman, "Preface" in *Economic Freedom of the World: 2002 Annual Report*.

The association of democracy and economic freedom is important to understand from both a business and economic perspective, but also from a political perspective. Corporations looking for an external market, if the association is correlated strongly enough, should be able to look at the democratic country and automatically assume that if the level of democracy in that country is high, the economic freedom in that country is also high.²⁴ The political perspective of this association is revealed from the Lipset's view. Building democracy in a country must also build enough economic freedom to maintain that democracy.²⁵

The association between economic freedom and political freedom (democracy) has long been theorized. However, perhaps due to the tendency to lump the two concepts together, limited empirical evidence exists to support any possible interrelationship. Farr, Lord and Wolfenbarger²⁶ find no evidence of a causal relationship between economic freedom and democracy, using pooled cross-sectional time-series data and employing Granger-causality methodology. Vega-Gordillo and Alvarez-Arce²⁷ - using Granger-causality analysis - find that economic freedom enhances democracy and at the same time more democratic institution provide for greater economic freedom. Kirmanoglu²⁸ using same methodology for 19 countries finds no relationship between economic freedom and democracy for 14 countries.

No studies, except Lawson and Clark²⁹, have tested the direction of the causal relationship between economic freedom and political freedom. Using panel data of 123 countries over the period 1970-2005 with five year interval demonstrated few instance of societies achieving relatively high political freedom without relatively high levels of economic freedom. Their study justifies the Hayek-Friedman hypothesis. The objective of this present study is to examine the Hayek-Lipset-Friedman hypothesis for South Asian countries. The country set is selected based on the availability of required data.

24 Daniel T. Griswold, "Trading Tyranny for Freedom: How Open Markets Till the Soil for Democracy," *Cato Daily Briefing* 26 (January 2004).

25 Shields, *Political Freedom and Economic Freedom*.

26 W. Ken Farr, Richard A. Lord, and J. Larry Wolfenbarger, "Economic Freedom, Political Freedom and Economic Well-Being: A Causality Analysis," *Cato Journal* 18(2) (Fall 1998), 247-262.

27 Manuel Vega-Gordillo and José L. Álvarez-Arce, "Economic Growth and Freedom: A Causality Study," *Cato Journal* 23 (2003), 199-215.

28 Hasan Kirmanoğlu, *Political Freedom and Economic Well-being: A Causal Analysis* (Istanbul: Faculty of Economics, Istanbul Bilgi University, 2000): 1-9, [database on-line] available at: www.iibuprita.suatuhanri.com/political-freedom-and-economic-well-being-a-causality-analysis.

29 Robert A. Lawson and J. R. Clark, "Examining the Hayek-Friedman Hypothesis on Economic and Political Freedom," *Journal of Economic Behavior & Organization* 74(3) (2010), 230-239.

3. Data and Methodology

The two variables used in this study are the index of economic freedom and the index of political freedom (democracy index). The measure of Economic Freedom index is proposed jointly by The Heritage Foundation and the Wall Street Journal which have tracked the march of economic freedom around the world. Data on this index is available since 1970 in five-year intervals until 1995, with annual data available for the 1996-2008 period. The index of economic freedom of each country is the average of ten components of economic freedom, with a grade assigned in each on a 0-100 scale with higher values indicative of higher levels of economic freedom. This paper uses the chain-linked version of the index as it is the most consistent series over time. Since this index has the most complete and largest annual longitudinal database available, the study uses the index over the 1995-2008 period for each country.

Freedom House has produced indexes of both political rights and of civil liberties annually since 1972. For the measure of political freedom or democracy this study follows common practice and used averages of the two indexes. The Freedom House index is measured on a 1-7 scale with lower values indicative of higher levels of democracy. The Freedom House index is criticized for its subjective nature, but is still widely used for empirical studies. Other measures of democracy exist, but the Freedom House indexes have the advantage of going back in time far enough to match up with the index of economic freedom.

The data set used in this study is the Index of Economic Freedom and the Freedom House scores for 1995-2008 period for South Asian Association for Regional Cooperation (SAARC) member countries. Data on these two indexes are not available for two SAARC countries – Bhutan and Maldives. Hence the empirical study has been done on the remaining five countries- Bangladesh, India, Nepal, Pakistan and Sri Lanka.

Since the purpose of this study is to offer evidence concerning the direction of causation between measures of economic freedom and democracy to examine the Hayek-Lipset-Freidman Hypothesis, the study first tests for the causality. The issue of causality is at the foundation of any study that examines an economic relationship.

A methodology that has been used extensively to provide sufficient explanation of the possible connections among variables is the Granger causality test. The Granger-causality tests methodology is employed here to test for the relationship between economic freedom and democracy. The study allows for tests to determine if economic freedom (EF) Granger-causes democracy (DEMO) and/or inversely democracy (DEMO) Granger-causes economic freedom (EF).

A formal test for Granger-causality running from EF to DEMO is:

$$DEMO_t = a_1 + \sum_{j=1}^t b_j DEMO_{t-j} + \sum_{k=1}^t c_k EF_{t-k} + v_t \quad (1)$$

A formal test for Granger-causality running from DEMO to EF performed using a symmetrical test is as:

$$EF_t = a_2 + \sum_{l=1}^t e_l EF_{t-l} + \sum_{m=1}^t c_m DEMO_{t-m} + \theta_t \quad (2)$$

A finding that only one of these two relationships is true provides support for a unilateral line of causation. However, if both are found to be true, support for a bilateral (or jointly determined) relationship is provided. If neither relationship is found to exist, the assumption is made that the two variables are unrelated and no empirical relationship can be justified.

The results from Granger-causality tests should only be interpreted as showing that prior changes in one variable add (or do not add) significantly to the explanation of the future value of another variable.³⁰ However, these Granger results do provide valuable information that can aid in the development of new theories or in the refinement of existing theories. Based on the results provided by the Granger-causality tests, this study draws an empirical relationship between the variables concerned.

In running empirical relationship tests between democracy and economic freedom, two control variables are included: per capita real gross domestic product (*PRGDP*) and the government's share to gross domestic product (*GE*). By controlling for *PRGDP*, the study can find how much the wealth of nation actually affects the relationship between democracy and economic freedom and *GE* will help to control for the government's level of consumption and spending as it pertains to the total wealth of the country. These variables have been chosen as they influence the relationship between democracy and economic freedom and are used by previous studies.³¹ Data on per capital real GDP for each country is available from

30 Farr, Lord, and Wolfenbarger, "Economic Freedom, Political Freedom and Economic Well-Being".

31 Jain-Gaung Shen, "Democratic Transformation and Economic Growth: An Empirical Alternative Approach," (Helsinki: College of William and Mary, 2002), (www.suomenpankki.fi/bofit_en/tutkimus/dp1302.pdf); Jenny A. Minier, "Democracy and

International Financial Statistics 2009 CD-ROM of IMF. The study has taken the per capita GDP real in PPP term. Government's share on GDP is collected from World Development Indicators 2009 CD-ROM of the World Bank. For this study each of the data series are taken in natural logarithmic form.

The empirical model will be estimated using panel data econometric techniques as suggested by the relevant tests. Recently panel data econometric techniques have gained popularity in analyzing the relationship between variables. Use of panel data in estimating common relationships across countries is particularly appropriate because it allows the identification of country-specific effects that control for missing or unobserved variables.³²

This study has applied the static panel data analysis technique to check the validity of the model of interest. The static model of panel data analysis is a general model like equation (3) below:

$$\ln(X_{it}) = a_0 + \alpha_t + \alpha_{ij} + \beta'_{it} Z_{ijt} + u_{it} \quad (3)$$

Where X_{it} is value of the explained variable(s) (*DEMO* and/or *EA*) of country-*i* in year $t = 1, 2, \dots, T$, and $Z_{ijt} = [z_{it}, z_{jt}, \dots]$ is the $1 \times k$ vector of the explanatory variables of the model. The intercept has three parts: one common to all years and country pairs, a_0 ; one specific to year- t and common to all pairs, α_t ; and one specific to the country pairs and common to all years, α_{ij} . The third intercept term α_{ij} is referred to as the country-specific unobserved effect. There is heterogeneity between countries with respect to their characteristics, which has an effect on the explained variable X_{it} . The unobserved characteristics these heterogeneous countries of study constitute an important issue that need to be addressed. The disturbance term u_{it} is assumed to satisfy the usual regression model conditions.

For estimation, restrictions are imposed on the parameters of the model. The standard single-year cross-section model imposes the restrictions that the slopes and intercepts are the same across country pairs, that is, $\alpha_{ij} = 0$ and $\beta_{ijt} = \beta_t$; and where a_0 and α_t cannot be separated

$$\ln(X_{ijt}) = a_{0t} + \beta'_{it} Z_{ijt} + u_{it} \quad (4)$$

Assuming that all the classical disturbance-term assumptions hold, the cross-section model is estimated by ordinary least square (OLS) for each year. The restrictions that

Growth: Alternative Approaches," *Journal of Economic Growth* 3 (1998), 241-66; Robert J. Barro, "Democracy and Growth," *Journal of Economic Growth* 1 (March 1996), 1-27.

32 Ruth A. Judson and Ann L. Owen, "Estimating Dynamic Panel Data Models: A Practical Guide for Macroeconomists," *Economic Letters*, 65 (1999), 9-15.

the cross-section methods impose yield biased results, because they do not control for heterogeneity between countries. The time-series analysis imposes analogous assumptions about the comparability of different observations in time and also yield biased results. The panel data methods explicitly take unobserved heterogeneity into account.

There are several types of panel analytic models - Pooled Ordinary Least Squares (POLS), fixed effects models (FEM), and random effects models (REM). To select the right estimator for the model various tests has been performed to check whether classical OLS assumptions hold for the model and remedies are suggested. Then the model has been estimated using appropriate method(s).

4. Empirical Results

4.1 Granger Causality Tests

The results of the Granger-causality tests of the relationship between democracy (DEMO) and economic freedom (EF) in both directions is presented in Table 1. The value of the F-statistics reject the null hypothesis of 'ln_EF does not Granger Cause ln_DEMO' at 10% level (here, $P=0.08$), but does not reject the null hypothesis of 'ln_DEMO does not Granger Cause ln_EF'. It means that there is unilateral Granger-causality between economic freedom and democracy. Economic freedom Granger-cause democracy, but democracy does not Granger-cause economic freedom in case of South Asian countries.

Table 1: Granger Causality Tests between Democracy and Economic Freedom

Pairwise Granger Causality Tests			
Null Hypothesis:	Obs	F-Statistic	Prob.
LN_DEMO does not Granger Cause LN_EF	50	0.987	0.425
LN_EF does not Granger Cause LN_DEMO		2.249	0.080

4.2 Economic Model of Democracy and Result of the Panel Data Analysis

The unilateral causal relationship between democracy and economic freedom established can be modeled for empirical estimation. Since economic freedom unilaterally Granger-cause democracy, an 'Economic Model of Democracy' can be built to investigate the pattern of the relationship and to test the 'Hayek-Lipset-Friedman Hypothesis'. Following a number of papers³³ economic variables like per

33 Ross E. Burkhardt and Michael Lewis-Beck, "Comparative Democracy: The Economic Development Thesis," *American Political Science Review* 88 (1994), 903-910; Muller, Edward N. "Economic Determinants of Democracy," *American Sociological Review*, 60 (1995), 966-982; John B. Londregan and Keith T. Poole, "Does High Income Promote Democracy?" *World*

capital real GDP (PRGDP) and government expenditure (GE) are incorporated as control variable in the basic regression model which is presented as follows:

$$DEMO_i = \alpha + \beta_1 EF_i + \beta_2 PRGDP_i + \beta_3 GE_i \quad (5)$$

where, $DEMO$ = Democracy expressed in Index, EF = Economic Freedom expressed in Index, $RRGDP$ = Per Capital Real GDP and GE = Government Expenditure.

In order to estimate equation (5), it can be presented in popular log-linear form. The attractive feature of the log-linear model is that the slope coefficient measures the elasticity of the dependent variable with respect to independent variable, that is, the percentage change in the dependent variable for a given percentage changes in the independent variable. Taking logarithms and adding time subscripts (t) and an error term (u_{it}) in equation (5) yields the estimating equation of Democracy:

$$\ln(DEMO)_{it} = \alpha_{it} + \beta_1 \ln(EF)_{it} + \beta_2 \ln(PRGDP)_{it} + \beta_3 \ln(GE)_{it} + u_{it} \quad (6)$$

This is the empirical model of this study. The model in equation (6) is the generalization of different types of specification to be used in the empirical analysis based on different estimation techniques of static panel data econometrics.

4.2.1 Test for Individual Effects

Before carrying out panel data estimations, it is required to choose the appropriate estimation techniques of the model and test for the characteristics of specification. The likelihood ratio tests for individual effects are performed to decide whether individual effects are treated as cross-section or period specific.

To test the presence of the individual effects the unrestricted specification of the model in equation (6) must be estimated first which is a two-way fixed effects estimator. The joint significance of all of the effects, as well as the joint significance of the cross-section effects (here, the country-specific effects) and the period effects, are tested separately. Three restricted specifications have been estimated: one with period fixed effects only, one with cross-section fixed effects only, and one with only a common intercept. All three sets of tests results are presented in Table 2.

Politics, 49 (1996), 1-30; Yi Feng and Paul J. Zak, "The Determinants of Democratic Transitions," *Journal of Conflict Resolution* 43 (1999), 162-177; Daniel Treisman, "The Causes of Corruption: A Cross-National Study", *Journal of Public Economics*, 76(3), (2000), 399-457; Griswold, "Trading Tyranny for Freedom"; Shields, *Political Freedom and Economic Freedom*. Ades and Tella, "The New Economics of Corruption," 496-515; Vega-Gordillo and Alvarez-Arce, "Economic Growth and Freedom," 199-215.

Table 2: Test of Individual Effect

Effects Test	Statistic	d.f.	Prob.
Cross-section F	48.37	(4,49)	0.00
Cross-section Chi-square	111.94	4	0.00
Period F	3.22	(13,49)	0.00
Period Chi-square	43.23	13	0.00
Cross-Section/Period F	14.06	(17,49)	0.00
Cross-Section/Period Chi-square	123.99	17	0.00

Results show that the joint significance of all these test using sums-of-squares (F -test) and the likelihood function (Chi-square test). The two statistic values and the associated p -values strongly reject the null that the effects are redundant. It indicates the presence of strong individual effects (country-specific effects) in the first case, period effects in the second case and joint significance of all of the effects in the third case.

4.2.2 Fixed Effects versus Random Effects – The Hausman Test

In the estimation, unbalanced panel data has been used, and individual effects are included in the regressions. So it has to be decided whether they are treated as fixed or as random. A central assumption in random effects estimation is that the random effects are uncorrelated with the explanatory variables. One common method for testing this assumption is to employ the Hausman³⁴ test to compare the fixed and random effects estimates of coefficients. The Hausman test indicates whether the specific effects are correlated or not with the explanatory variables.

To perform the Hausman test, first a model with random effects specification has to be estimated. The high value of Hausman Chi-square statistics (that is, low p -value) favours Fixed Effects Modelling and low value of Hausman Chi-square statistics (that is, high p -value) favour Random Effects Modelling. The result of Hausman Test statistics of Table 3 suggests that Random Effects Model (REM) is the appropriate panel data estimator for this study, since the Chi-square statistic ($\chi^2 = 0.00$) provides very high evidence in favour of the null hypothesis that there is no misspecification of the model with random effects.

34

Jerry A. Hausman, "Specification Tests in Econometrics," *Econometrica* 46 (1978), 1251–

1272.

Table 3: Correlated Random Effects - Hausman Test

Test Summary	Chi-Sq. Statistic	Chi-Sq. d.f.	P-value
Cross-section random	0.000	3	1.000
Period random	0.000	3	1.000
Cross-section and period random	0.000	3	1.000

* Cross-section test variance is invalid. Hausman statistic set to zero.

* Period test variance is invalid. Hausman statistic set to zero.

4.2.3 Results of the Random Effects Estimation

The results of individual effect test (likelihood ratio) suggest use of Random Effects estimation techniques both in the cross-section and period specific. In the model of equation (6) the intercept terms α_{it} is considered to be joint country-specific and period-specific unobserved effects and β_{it} are the slope coefficients which are considered to be the same for all countries. Assuming that all the classical disturbance-term assumptions hold, the model is estimated by panel least squares. The estimated result is present in Table 4.

Table 4: The Random Effect Model

Dependent Variable: LN_DEMO				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
LN_EF	-0.895	0.199	-4.490	0.000
LN_PGDP	-0.486	0.203	-2.388	0.021
LN_GE	-0.012	0.104	-0.120	0.905
C	8.504	1.829	4.648	0.000
Effects Specification			S.D.	Rho
Cross-section random			0.377	0.915
Idiosyncratic random			0.115	0.085
Weighted Statistics				
R-squared	0.379	Mean dependent var		1.312
Adjusted R-squared	0.192	S.D. dependent var		0.131
S.E. of regression	0.117	Sum squared resid		0.734
F-statistic	2.029	Durbin-Watson stat		0.638
Prob (F-statistic)	0.027			

Results show that the coefficient of the economic freedom ln_EF is negative and highly significant ($p = 0.00$). Since the higher democracy index represents lower level of democracy in a country, the negative value of the coefficient of the economic freedom index implies that the democracy in the South Asian zone improves with more economic freedom. This result based on the South Asian region is consistent with the Hayek-

Lipset-Friedman Hypothesis that a relatively high level of democracy cannot exist without a relatively high level of economic freedom. The value of the coefficient represents elasticity or the degree of responsiveness of the economic freedom on democracy in the South Asian region is less than one (0.896), meaning that democracy improves in this region less proportionately to economic freedom.

The expansion of economic freedom will bring, in turn, greater democracy. The more a country advances economic freedom, the more support there will be and the more pressure there will be for a considerable degree of democracy.³⁵ The factor that contributes to development of democracy in South Asian region is the gradual advance towards more economic freedom, and case proves the 'Hayek-Lipset-Friedman hypothesis' that economic freedom is the necessary condition for democracy.

With respect to control variables, while there is some change in the strength of the relationships, all relationships remain generally strong and act in same (hypothesized) direction.³⁶ Thus in this study the wealth of the nation presented by per capital real GDP (*PRGDP*) and the governments level of consumption (*GE*) do have effects on democracy.

The negative and highly significant ($p=0.02$) coefficient of the per capita real GDP variable \ln_PRGDP implies that with the increase in real income a country moves toward democracy. It means that economic prosperity leads to democratization of politics³⁷ and also proves to be significant that higher growth rates foster political freedom³⁸. The income elasticity of democracy in South Asian region is less than one (0.487) implying that with the economic prosperity democracy responses less than proportionately.

The sign of the coefficient of another control variable \ln_GE is negative (as expected) meaning that the size of the government measured by government spending to GDP ratio improves democracy of a country. The high p -value (0.904) of the coefficient of \ln_GE implies that like many other countries (Hong Kong, Taiwan, Israel and China) the level of government spending does not have any significant effect on the level of democracy in South Asian countries. It is might be the case that South Asian countries are long away from the ideal proportion of the government spending for true democracy, in other words, from the optimum size of the government.

35 Friedman, "Preface" in *Economic Freedom of the World: 2002 Annual Report*.
 36 Shields, *Political Freedom and Economic Freedom*.
 37 Jagdish Bhagwati, *In Defense Of Globalization* (New York: Oxford University Press, 2007).
 38 Lipset, "Some Social Requisites of Democracy".

5. Conclusions

Democracy or political freedom means freedom from coercions by arbitrary power including the power exercised by the government. The question asked in this study was whether the economic freedom helps to explain the level of democracy or democracy explains the economic freedom. The empirical result shows that Hayek-Lipset-Friedman hypothesis stands up fairly well and finds no instance of combining high level of democracy without high levels of economic freedom in the South Asian region. South Asian economic freedom is proved as a necessary condition for democracy but clearly it is not a sufficient condition.³⁹

Economic prosperity fosters democracy in this region but less proportionately. With the increase in income, people's access to social and power structures also increases in South Asia. So to ensure the 'government of the people, by the people and for the people' economic emancipation of the people of the South Asian countries is required first. Economic solvency of the people in this region allows them better access to education and knowledge and hence political consciousness and the chance to pressure for even more democracy. Like many other studies on other countries, government spending is not found to have significant impact on the level of democracy in South Asian countries. It means public fund does not flow to those institutions that would promote democracy in this region.

The unavailability of annual data for a longer period of time determined the use of a panel data set of five SAARC countries over a period of only 14 years for this study. Further studies would address the issue of time span exploring changes in the relationship between democracy and economic freedom. The use of indexes constructed based on a broader range of indicators, both qualitative and quantitative, for many countries would provide some new dimension of the relationship between democracy and economic freedom.

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39 Friedman, *Capitalism and Freedom*.

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THE MULTIPLICITY OF TRUTHS ABOUT HUMAN TRAFFICKING: BEYOND “THE SEX SLAVE” DISCOURSE

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Abstract:

Dominant anti-trafficking discourse adopts a single voice in presenting the victim of trafficking as a young, innocent and naïve woman who is deceived and coerced into the sex industry. She suffers physically at the hands of individual men: traffickers, procurers and clients. This is informed by a neo-abolitionist perspective. This article aims to serve as a critique of this discourse by presenting the polarization between two camps in trafficking literature: neo-abolitionists, who see human trafficking as a grave human rights violation that amounts to slavery and equates sex work with trafficking, and pro-rights that perceive it as something within unauthorized international migration, initiated by the women themselves who want to ameliorate their lives. Through a critical literature review, I echo the position of pro-rights group and note that trafficking must be understood and addressed within the larger framework of exploitation of undocumented workers that are vulnerable to exploitation, not from an isolated and distinct location that aims to identify and paternalistically protect “passive victims”.

Keywords: sex work, anti-trafficking, human trafficking, sex slave.

1. Introduction

From the late 1990s, international organizations, national governments, human rights, religious and feminist groups, academics and practitioners have attempted to understand, quantify and combat human trafficking from distinct positions.¹ Even though the world population is rarely well-informed about the human rights violations around the world, when it comes to human trafficking, almost everyone knows what it is about, since the trafficking victim is constructed quite clearly through news reports, feature films and documentaries that exclusively focus on female sex slaves.² This dominant discourse is favoured by neo-abolitionists who base their research on service providers, police, anti-trafficking focused human rights Non-Governmental Organizations’ (NGOs) accounts, women in brothels or “rescued” and “saved” women’s experiences, all of whom equate human trafficking with sexual exploitation.

1 Virginia M. Kendall, “Greasing the Palm: An Argument for an Increased Focus on Public Corruption in the Fight Against International Human Trafficking”, *Cornell International Law Journal*, 44(1), (Winter 2011), 33.

2 Johan Lindquist. “Images and Evidence: Human Trafficking, Auditing, and the Production of Illicit Markets in Southeast Asia and Beyond”, *Public Culture*, 22(2), (Spring 2010), 224-225.

The United Nations Office on Drugs and Crime report of 2009 notes that sexual exploitation constitutes 79% of the human trafficking cases while forced labour is approximately 18% according to data collected from 155 countries.³ Women are considered to be the main victims of trafficking who are vulnerable to deception and exploitation.

Trafficked women are the commodity in the sex trafficking process. Like cattle who are sold from one farmer to the next, trafficked women are passed between traffickers and brothel owners. While trafficked women may be able to identify a brothel owner or individual traffickers, they are usually unaware of the main criminal players behind trafficking rings.⁴

This perception informs the global trafficking discourse and legislation as well as anti-trafficking campaigns. Women are presented as voiceless, passive, childlike victims⁵ who have no say in their lives.

Despite having a marginal position in trafficking NGO circles, pro-rights scholars have contributed to literature on human trafficking extensively. They argue that anti-trafficking campaigns conflate forced sex with migrant women and slavery and “the spectacle of enslaved bodies repeated in media accounts creates a national panic over the movement of people across borders more broadly”.⁶ This anxiety expands the surveillance power of the state to intervene in sexual activity with the argument that they are ensuring national security. This policy finds collective support among the national population to keep the homeland clear from criminal networks. The image of trafficking and criminality together results in broad support for the substantial increase in state power to detain and deport more immigrants.⁷ Only a few deceived and coerced women in sex industry are considered to be deserving of protection. Hence, pro-sex rights advocates argue that trafficking must

3 United Nations Office on Drugs and Crime, 2009, *Global Report on Trafficking in Persons*, Available at http://www.unodc.org/documents/Global_Report_on_TIP.pdf, accessed on: January 23, 2012.

4 Jo Goodey. “Sex trafficking in women from Central and East European countries: promoting a 'victim-centred' and woman-centred' approach to criminal justice intervention”, *Feminist Review*, 76, (Apr 2004), 37.

5 Ratna Kapur. “The Tragedy of Victimization Rhetoric: Resurrecting the “Native” Subject in International/Post-Colonial Feminist Legal Politics”, *Harvard Human Rights Journal*, 15, (Spring 2002): 2-5; Claudia Aradau. “The perverse politics of four-letter words: Risk and pity in the securisation of human trafficking”, *Millennium Journal of International Studies*, 33(2), (Mar 2004), 251-257.

6 Felicity Schaeffer-Grabiell, “Sex Trafficking as the ‘New Slave Trade?’”, *Sexualities*, 13(2), (Apr 2010), 154.

7 Aradau, 2004; 253; Nandita Sharma, “Neoliberal Borders: Review of Migration, Agency and Citizenship in Sex Trafficking”, *Feminist Review*, 99, (Nov 2011), e7-e9; Schaeffer-Grabiell, “Sex Trafficking”, 154.

be considered and addressed through the vulnerabilities of a larger immigrant population. Yet this approach finds support only among a few groups, and its influence is far more limited compared to the neo-abolitionist agenda. Since this understanding requires an irrevocable change in the politics, security approach and immigration policies of Western nations, it is not adopted. The easier version of granting protection to a few victims while punishing others remains uncontested.

The problems with the current trafficking discourse are the following: it relies on the construction of human trafficking based on gender and racial stereotypes that denies women's agency, establishes a single framework for victimhood that most unauthorized migrants cannot meet⁸ and overly focuses on sexual exploitation of women that makes other types of labor exploitation unseen⁹.

This article joins those of pro-rights scholars and criticizes the dominant neo-abolitionist discourse and its inability to address violations of the human rights of immigrants in a broader perspective by constructing sex workers solely as victims. This approach, instead of addressing inequalities between countries, created as a result of colonial practices and capitalism, reinforces the patriarchal discourse through the construction of women immigrants as victims, and as individuals who are incapable to cross international borders by their own initiative and sell their bodies to generate income.¹⁰

The structure of this article will be as follows. First, the research methods will be described. Second, the definition of trafficking and the debate on imaginary differences between trafficking and smuggling will be explored. A third section contextualizes debates around sex work and presents the positions of the neo-abolitionists and pro-rights groups and problematizes neo-abolitionist assumptions in relation to real life experiences of trafficked women. The fourth section articulates the construction and search of the trafficking victim and her distinction

8 Jennifer K. Lobaz, "Beyond Border Security: Feminist Approaches to Human Trafficking", *Security Studies*, 18(2) (2009), 322.

9 Laura Agustin, *Sex at the margins: Migration, Labour Markets and the Rescue Industry*, (New York: Zed Books), 2007, 191; Elizabeth Bernstein, "The Sexual Politics of the "New Abolitionism"", *Differences: A Journal of Feminist Cultural Studies* 18(3), (2007), 133; Julietta Hua and Holly Nigorizawaga, "US Sex Trafficking, Women's Human Rights and the Politics of Representation", *International Feminist Journal of Politics*, 12(3-4), (Nov 2010), 404; Julia O'Connell Davidson, "New Slavery, old binaries: human trafficking and the borders of freedom", *Global Networks-A Journal of Transnational Affairs*, 10(2), (Mar 2010), 250-5; Marie Segrave and Sanja Milivojevic, "Sex trafficking: A new agenda". *Social Alternatives*, 24(2), (2005), 11.

10 Agustin, "Sex at the margins", 32; Jo Doezema, *Sex Slaves and Discourse Masters, The Construction of Trafficking*, (London: Zed Books), 2010, Kapur, "The Tragedy of victimization rhetoric", 28; O'Connell Davidson, "New slavery: old binaries", 249-250.

in relation to undocumented migration. A final section discusses the problems with current anti-trafficking campaigns.

Legal, policy, empirical and discourse level research is extensive in human trafficking. In order to engage in a dialogue with this diverse body of literature from various disciplines, perspectives and contexts a literature review is undertaken. The literature compilation is based on desk research through three different databases: Web of Science categories (Social Sciences Citation Index), JSTOR, and Wiley Online Library, and semi-structured interviews with academics who focus on sex work and street sex workers, as well as representatives of sex work NGOs that work on criminalization of sex work through international academic conferences and NGO meetings in Canada. The literature research is limited to the period between 2000 and 2011. This review is relatively comprehensive, but by no means exhaustive. It will be seen that the literature has proliferated from mid-2000s.

The advice given by King, Keohane and Verba¹¹ as the decision as to which observation to select is crucial for the outcome of the research and the degree to which it can produce determinate and reliable results holds for a critical literature review as well. The selected databases returned with articles that conform to the dominant perception of human trafficking as well as critical ones. It is argued that the selected articles present a good sample of the current literature as a result of intersecting citations and bibliographies of these articles.

2. Trafficking v. Smuggling

The parallels that can be drawn between the twentieth century white sexual slavery and the current concern of sex-trafficking are informative: in both cases the press created moral outrage, different groups such as advocates and reformers have struggled over the definition of the phenomenon and the legislators attempted to create solutions within the framework of homeland security and state sovereignty.¹²

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Conventions Against Transnational Organized Crime (Palermo Protocol)¹³ defines trafficking in persons as the following:

11 Gary King, Robert O. Keohane and Sidney Verba. *Designing Social Inquiry: Scientific Inference in Qualitative Research*, (Princeton: Princeton University Press), 1994, 128.

12 Amy Foerster, "Contested Bodies – Sex trafficking NGOs and Transnational Politics, *International Feminist Journal of Politics*, 11(2), (2009), 151-2. For a detailed analysis of white slavery discourse see Doezema, "Sex slaves and discourse masters".

13 As its name clearly shows, the Palermo Protocol is an addition to the UN Convention Against Transnational Organized Crime, which means that it focuses more on

...the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.¹⁴

In the Palermo Protocol, the definition of trafficking may seem straightforward as if the victims are easy to identify but in most cases, "it is much more difficult, if not impossible, to decide whether someone has been "voluntarily smuggled" or "involuntarily trafficked".¹⁵

Smuggling and trafficking are defined differently in international law¹⁶. Smuggling is differentiated from trafficking since the criminal act is thought to lie in the illegal border crossing. Hence, in smuggling the state is considered to be the victim¹⁷ since it is the undocumented migrant that violates the state borders through their illegal entry. In the case of trafficking the criminal act lies in the exploitation of the migrant. While, the consent of the individual is taken for granted in smuggling, trafficking, conversely, is considered to be forced.¹⁸ Smuggled migrants are

criminal activities than the protection of women's human rights. This is to say, the Protocol gives discretion to the states to selectively protect the victims who are willing to witness and denounce their traffickers. Musto, Jennifer. L. "What's in a name? Conflations and contradictions in contemporary US discourses of human trafficking", *Women's Studies International Forum*, 32(4), (Jul-Aug 2009), 283.

14 United Nations Crime and Justice Information Network, 2000, http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf, accessed on: April 7, 2011.

15 Nicole Lindstrom, "Regional sex trafficking in the Balkans - Transnational networks in an enlarged Europe", *Problems of Post-Communism*, 51(3), (2004), 45.

16 Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime was also introduced in 2000 alongside the Palermo Protocol. http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_smug_eng.pdf, accessed on: April 10, 2011.

17 Musto, "What's in a name", 282-3.

18 Jo Doezema, "Sex Slaves and Discourse Masters", 138; Doezema, Jo. "Now You See Her, Now You Don't: Sex Workers at the UN Trafficking Protocol Negotiation", in *Social & Legal Studies*, 14(6), (Mar 2005), 67; Musto, "What's in a name", 282.

presented as in control and mostly imagined to be men. On the contrary women are considered to be vulnerable, dependent victims like children.¹⁹

The definition of trafficking does not provide a clear distinction between the experiences of victims of trafficking from that of other group of exploited immigrants. Trafficking is presented as a sub-form of 'illegal' migration, but one that is different to smuggling. Even though trafficking is a process that ranges from the recruitment to the exploitation of human beings, individuals who are constructed as criminals, smuggled or unauthorized immigrants can end up in situations that would be considered in the framework of exploitation as listed in the Protocol.²⁰ For example, workers who have crossed borders legally can be subject to severe human rights violations, such as passport confiscation, confinement, holding of wages, physical violence and threat.²¹

3. Contextualization of Sex Work

Doezema notes that conceptualizing the force vs. consent (voluntary) debate is "one of the most compelling and persistent problems in the sex work."²² The dichotomization of willing sex workers and victim of trafficking debate assumes that one can easily identify consent and force and that these categories are mutually exclusive.²³

Despite the fact that neither prostitution nor slavery is a new reality, the vocabulary of sexual slavery became very popular and this understanding had immense influence in the agendas of anti-trafficking campaigns and policies²⁴

Two international organisations that played significant roles in the definition of human trafficking during the negotiations of Palermo Protocol demonstrate the two

19 Aradau, "The perverse politics of four-letter words", 253-255; Julia O'Connell Davidson, "Will the Real Sex Slave Please Stand up?", *Feminist Review*, 83, Sexual Moralities, (2006), 9.

20 O'Connell Davidson, "New slavery: old binaries", 250-252.

21 Heeg, Jennifer. "Gender, International Trafficking Norms and Gulf Migration", (Paper presented at International Studies Association Conference 15-19 March 2011, Montreal); Minna Viuhko, "Human Trafficking for Sexual Exploitation and Organized Procuring in Finland", *European Journal of Criminology*, 7(1), (Jan 2010), 70-71.

22 Doezema, "Sex Slaves and Discourse Masters", 24.

23 Nandita Sharma. "Travel agency: a critique of anti-trafficking campaigns", *Refuge*, 23(3), (Mar 2003), 59-61.

24 Bernstein, "The Sexual Politics", 133-136; Musto, "What's in a name", 283-285; Doezema, "Sex Slaves and Discourse Masters", 173. For a detailed account of the neo-abolitionist politics that is promoted through the marriage of secular feminists, evangelical Christian and anti-trafficking organisations, see Bernstein (2007).

camps in their attitudes to selling sex²⁵: Coalition against Trafficking in Women (CATW) a neo-abolitionist organisation and Global Alliance against Traffic in Women (GAATW) holds a pro-rights perspective. According to CATW and other neo-abolitionist scholars no consent is possible in prostitution²⁶ since it is a result of gendered vulnerabilities²⁷ and amounts to sexual servitude. Pro-rights activists on the other hand, do not see sex work different than other income generating activities²⁸ The same reality is understood through different social locations and presumptions towards the world and the sex industry. This polarization is a result of seemingly irreconcilable ontological and epistemological assumptions hold by neo-abolitionist and sex-work groups. While the former has an absolute position on sex industry and political and economic influence, the latter group has a more nuanced understanding of the issues of force and consent.

4. Sex Work as Exploitation

Feminist abolitionism can be seen as:

[a]ction taken in an effort to end sex trafficking that is motivated by a belief that such trafficking harms women in ways tending to sustain and perpetuate patriarchal structural inequalities.²⁹

The efforts of women to eradicate prostitution are not contrary to efforts to eradicate other and all forms of slavery and indentured servitude.³⁰ Neo-abolitionists treat prostitution as a problem of violence, economic inequality, discrimination, and desperation. For them, prostitution is largely inseparable from "sex trafficking," the victims of which are mostly girls and women who are bought and sold for sex with men.³¹

25 Doezema, "Now You See Her", 64.

26 CATW lobby groups' suggested definition of trafficking for the Palermo Protocol during negotiations was: "the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person for the purposes of prostitution, sexual exploitation, exploiting the marriage of such a person, exploited labour, or slavery-like practices with or without the consent of the victims" (my emphasis) (CATW, 1999 as quoted in Doezema, "Now you see her", 72).

27 U Vindhya, and S. Dev, "Survivors of Sex Trafficking in Andhra Pradesh : Evidence and Testimony", *Indian Journal of Gender Studies*, 18(2), (Jun 2011), 147-158.

28 Agustin, "Sex at the margins", 31-33; Doezema, "Now you see her", 75; Doezema, "Sex Slaves and Discourse Masters", 2010, 138.

29 Michelle M. Dempsey, Sex Trafficking and Criminalization: In Defense of Feminist Abolitionism, *University of Pennsylvania Law Review*, 158(6), (2010), 1733.

30 Dempsey, "Sex trafficking and criminalization", 1732; Keathe Morris Hoffer, "A Response to Sex Trafficking Chicago Style: Follow the Sisters, Speak Out", *University of Pennsylvania Review*, 158(6), (2010), 1832-1833.

31 Morris Hoffer, "A Response to Sex Trafficking", 1843.

Morris Hoffer notes that “staggering cruelty of prostitution” is revealed and continued to be revealed through the partnership of grassroots organizations, survival leadership, elected politicians and local research in Chicago.³² She quotes various studies conducted within that Chicago context that reveal systematic violence against “prostitutes” by male clients and pimps at alarming rates: over 70% of prostitutes were threatened with a weapon, punched, robbed at multiple occasions, or were subject to forcible sexual penetration. Hence, prostitution is considered to be violence against women, “both a symptom and mechanism of sex inequality”.³³

The neo-abolitionists ontologically maintain that the social world we live in is not egalitarian and it is defined by patriarchy. Epistemologically, sex work is considered as bad and dehumanizing, in the sense that no woman could or would choose it but instead they are marginalized and pushed into sex work.³⁴ Therefore, since there is no real choice from the perspective of women, the gap of power between the sex worker and her male client leads to the ultimate male domination and then to violence against women.³⁵ Since sex work is considered to be antithetical to women’s rights, all sex workers are considered to be victims of trafficking. This approach exclusively perceives human trafficking victims as the women in sex industry but tends to ignore the larger problem of violations of unauthorized migrants’ rights.

5. Sex Work as Labor

Pro-rights academics note that sex work is a legitimate income generating activity, and the women engaged in this form of work belongs to the working class. By removing the moralizing discourse from the discussions, they call for protection of sex workers’ rights and a safe working environment.³⁶ They focus on women who have initiated their own immigration processes either through their private contacts (family or friends) or criminal networks. While pro-rights activists and academics accept the fact that there are women who are coerced to engage in sexual work³⁷

32 Ibid, 1837.

33 Ibid, 1839.

34 Ibid, 1836-1843.

35 Lobazs, “Beyond Border Security”, 335.

36 Agustin, “Sex at the margins”, 38; Doezema, “Now you see her”, 80-83.

37 Bernstein, “The Sexual Politics”, 131; O’Connell Davidson, “Will the real sex slave”, 11; Laura. M. Agustin. “Sex, gender and migrations: Facing up to ambiguous realities”, *Soundings*, 23, (Spring 2003), 89-91; Laura M. Agustin, “Migrants in the Mistress’ House: Other Voices in the ‘Trafficking’ Debate”, *Social Policy*, 12(1), (Spring 2005), 98.

neo-abolitionists do not accept the fact that sex work can be considered only as an income generating activity since it is inherently exploitative.³⁸

The pro-rights perspective considers that there is no absolute truth about sex workers and that women who engage in sex work might be doing it willingly or, as it is used widely, 'voluntarily'. Yet, pro-rights scholars found the force vs. voluntary debate unproductive and not reflective of the reality.³⁹ Since we cannot talk about pure rational choice in individual decision, women in the sex industry are neither sex slaves nor *entirely* free individuals engaged in *fully* consensual sex work⁴⁰. Women have agency and they can consent to work in the sex industry. All women who work as sex workers are not necessarily torn; they can be unharmed by their sexual experiences.⁴¹ Epistemologically, they recognize that forced prostitution exists and does not deny the reality of the horrifying testimonies of forced sex workers. However, these negative experiences do not reflect the absolute truth. Sex work in itself is neither violence nor a human rights abuse. Sex workers do exist and arguing that sex work is dehumanizing means denying the very existence of them.⁴² Feminist academics within this group take issue with the conflation of sex work with trafficking and argue for the need to consider human trafficking within a wider framework of vulnerability of unauthorized immigrants as a result of the inaccessibility or the inexistence of legal immigration options.

The imagination of all sex workers within the framework of slavery does not reflect the actual working conditions for most sex workers. This is not to claim that force and coercion does not exist in this sector (as it is widespread in other forms of unregulated labour) and they intersect with the inequalities of race, gender, race, class and nationality; the accounts of overt abduction, deception and coercion that inform the arguments of abolitionists reflect the exception instead of the norm.⁴³

38 Goodey, "Sex trafficking in women", 37; Dempsey, "Sex trafficking and criminalization", 1732; Morris Hoffer, "A Response to Sex Trafficking", 1843.

39 O'Connell Davidson, "Will the real sex slave", 14.

40 Sharma, "Travel agency: a critique", 60-62; Rutvica Adrijasevic and Bridget Anderson. "Anti-Trafficking Campaigns: Decent? Honest? Truthful?", *Feminist Review*, 92, (2009), 151; Samantha. T. Godec. "Between rhetoric and reality: exploring the impact of military humanitarian intervention upon sexual violence - post-conflict sex trafficking in Kosovo", *International Review of the Red Cross*, 92 (877), (2010), 242.

41 Wendy Chapkis, "Trafficking, Migration, and the Law: Protecting Innocents, Punishing Immigrants", *Gender and Society*, 17(6), (Dec 2003), 928; Doezema, "Sex Slaves and Discourse Masters": 72; Agustin, *Sex, gender and migrations*, 90.

42 Musto, "What's in a name", 286; Doezema, "Sex Slaves and Discourse Masters", 24-26.

43 Bernstein, "The Sexual Politics", 131.

6. In search of the perfect victim

Drawing a line between undocumented migrants and victims of trafficking is not very easy, yet international and domestic law are created to make and apply this distinction. How do states “distinguish the innocent victims from those who knowingly break the law?”⁴⁴ The answer is through narratives and the construction of the “genuine” or “deserving” victim.⁴⁵

Legal frameworks such as the 2000 US Victims of Trafficking and Violence Protection Act (VTVPA) like Palermo Protocol not only differentiate between worthy victims and unworthy willing sex workers or undocumented migrants⁴⁶ but also gender human rights⁴⁷ by reasserting “troubling colonial and orientalist logics in representing victims”.⁴⁸ Women need to demonstrate “raw physical suffering” in order to be identified as victims.⁴⁹ This naïve and innocent victim is a childlike image is not reflected in the bodies of most women and they are considered as undeserving of support and protection.

Although the estimates of trafficked humans to the United States are very high and anti-trafficking provisions are in place, few potential victims were considered as real victims and offered relief under current provisions. The problem comes from the problematic understanding of human trafficking, and a ‘constricted concept of victimhood’⁵⁰ by the federal agencies only victims that appear to be under total control – during the entry to the US and their subsequent exploitation in labour and sexual services- of the trafficker are considered to be iconic victims and granted relief, other victims who cannot demonstrate the total control are considered to be undeserving.⁵¹ This is a result of the concerns of differentiating undocumented migrants from victims as well as “mandating victim participation in the prosecution of traffickers”.⁵²

In the US, for unauthorized immigrants to be identified as victims of trafficking they need to convey to Immigration and Customs Enforcement agents, as well as federal

44 Schaeffer-Gabieli, “Sex Trafficking as”, 156.

45 Chapkis, ““Trafficking, Migration, and the Law”, 929; Kapur, “The tragedy of victimization rhetoric”, 5; Godec, “Between rhetoric and reality”, 241-243; Jayashri Srikantiah, “The perfect victims and real survivors: the iconic victim in domestic human trafficking”, *Boston University Law Review*, 87(1), (2007), 160-161.

46 Soderlund, ““Running from the Rescuers”, 68-69.

47 Godec, “Between rhetoric and reality”, 240-242.

48 Hua and Nigorizawaga, “US Sex Trafficking”, 403.

49 Aradeu, “The Perverse Politics”, 262.

50 Srikantiah, “The perfect victims”, 211.

51 Ibid, 191.

52 Ibid, 158.

prosecutors, that they have not engaged in voluntary work, specifically sex work, nor become involved in voluntary border crossing. No matter how exploitative the conditions they had to suffer, if they do not manage to convince the prosecutors that they are passive victims, they will be considered criminals and will be deported.⁵³

Viuhko's study of court verdicts on human trafficking in Finland is instructive in showing the distinction made between deserving victims and undeserving prostitutes. In this case a criminal organization of Estonian and Finnish individuals deceived a mentally disabled woman into migrating to Finland, lied to her about the nature of the work and forced her to engage in sex work. Through this investigation, the law enforcement officials discovered 15 women whose sexual labour was exploited between the end of 2005 and early 2006. The court ruled that only the disabled woman was victim of trafficking, not the others. Even though not all these women were deceived or coerced, they were subject to many forms of control by their procurers. They did not have the chance to leave the sex industry when they wanted and their liberty was restricted. Yet only one woman was offered protection. This shows that if the women had consented to sex work they are not considered as genuine victims since they do not fit with the naïve and innocent image of human trafficking.⁵⁴

The real life stories of undocumented immigrants do not fit to the perception of trafficking. All potential trafficking victims in Scotland⁵⁵ came to the UK with the help of a facilitator. In most of the cases individuals recounted that they knew the nature of the work they were going to engage with and were not complaining about it. In some other cases, potential victims declared deception and/or coercion. Yet, most of them refused to receive victim support or accommodation designed for victims of trafficking and fled either before or after their interview.⁵⁶

53 Musto, "What's in a name", 285.

54 Viuhko, "Human Trafficking for", 65-70.

55 Lebov's (2010) small-scale study carried out between September 2007 and April 2008 that was based on semi-structured interviews with the NGO and police members as well as officials from UK Border Agency on the 79 victims of trafficking that came into contact with these agencies between March 2008 and April 2009. While majority of victims ($n = 50$; 63 percent) were women considered to be trafficked for sexual exploitation, the rest included men and women who were trafficked into other industries.

56 Korin Lebov. "Human Trafficking in Scotland", *European Journal of Criminology*, 7(1), (Jan 2010), 82. For a detailed account of the limitations imposed by NGO and law enforcement personnel on accessing trafficked women in the UK, see Hoyle, Carolyn, Bosworth Mary and Dempsey, Michele. "Researching Trafficked Women: On Institutional Resistance and the Limits to Feminist Reflexivity", *Qualitative Inquiry*, 17, (Nov 2011), 769-779.

Hua and Nigorizawaga note that in the 2005 *United States v. Trakhtenberg* case, prosecutors brought charges against alleged traffickers relying on the evidence collected from 'victims'. Yet one woman, Eva Petrova (a pseudonym), noted that she was forced to recount her immigration to U.S. as a story of victimization in order to avoid prison as an illegal immigrant, which she refused and was therefore turned back to Russia. According to her account, she and four other Russian women were smuggled to U.S. with the intention to perform sex work in New Jersey and New York. She portrayed herself not as a victim of trafficking but as an individual who immigrated for labour opportunities.⁵⁷

The assumption of victimization that frames trafficking discourse is a reflection of patriarchal system that fails to see women's capability to do 'bad'; that is, to cross international borders willingly and illegally. These anti-trafficking narratives "establish a discourse of sex trafficking that constricts the ways in which trafficking and its subjects can be understood."⁵⁸ These groups create a dominant discourse that creates a schema to determine who is a genuine, deserving victim and who is a criminal. This discourse is based on problematic gender bias that produces women from the developing world as traffickable, helpless victims.⁵⁹ The women who are identified as potential victims of trafficking are also had seen as "disposable witnesses" who are used to prosecute the traffickers and deported when their assistance is no longer needed.⁶⁰

Consequently, through creating a uniform definition and understanding of trafficking, victims are constructed as a distinct and an easily identifiable group of individuals. There may be various potential victims, but only the ones that fit into pre-existing model will be granted protection. This is a result of a perception of sex work as repugnant, as sex workers' rights scholars such as Agustin⁶¹ and Doezema⁶² have noted. It also documents the fact that states invest in potential "citizenry through a moral framework, namely one that defines 'good moral character' through hetero-normative and patriarchal ideals of female sexuality".⁶³

57 Hua and Nigorizawaga, *US Sex Trafficking*, 401-403.

58 Ibid, 402.

59 Kapur, "The tragedy of victimization rhetoric", 5-7.

60 Patience Elabor-Idemudia. "Migration, Trafficking and the African Woman", *Agenda*, 58, (2003), 113.

61 Agustin, "Sex at the margins", 191.

62 Doezema, "Sex Slaves and Discourse Masters", Chapter 1.

63 Hua and Nigorizawaga, "US Sex Trafficking", 407.

7. The Problems with Current Anti-Trafficking Framework

Some scholars see the alliance between the religious reformers, state officials and feminists as efforts to protect and regulate female sexuality.⁶⁴ Some others argue that these efforts decrease already limited immigration options for women who want to work as sex workers⁶⁵

Saving and rescuing narratives do not contribute to women's rights since they are constructed in relation to articulation of women as 'victims' and strips women of their self-determination⁶⁶. Second, they contribute to cultural essentialism, presenting women from developing world as the victims of their 'cultures' and their backward conditions, where women are seen as 'commodities' by men easily transported and sold. Yet, this understanding ignores the legacies of colonialism and racialized regimes.⁶⁷

O'Connell Davidson notes that current human trafficking as modern slavery⁶⁸ discourse that aims to rescue and save trafficked women victims prevents efforts to form alliances between immigrant groups as well as immigrants and non-immigrants. Even though these groups share common interests in transforming the contemporary social, economic and political relationships, the conception of trafficking as modern day slavery not only discourages cooperation, but also creates a small number of 'deserving victims' from the broader group of unauthorized immigrants who are left 'undeserving' from rights and freedoms.⁶⁹

Anti-trafficking politics that are informed by neo-abolitionists follow a neoliberal agenda that positions the problems in 'deviant individuals' instead of mainstream institutions, "that seeks social remedies through criminal justice interventions rather than through a redistributive welfare state and that advocates for the beneficence of the privileged rather than the empowerment of the oppressed".⁷⁰ This approach does not criticize the social structures that drive individuals into unsafe migration patterns and exploitation of their labor, but asks them instead to stay where they are. The problems with the legal and social structures that subjugate immigrants remain hidden.

64 Stephanie Limoncelli. "Human Trafficking: Globalization, Exploitation, and Transnational Sociology" *Sociology Compass* 3(1) (2009), 82.

65 Doezema, "Now you see her", 81; Sharma, "Neoliberal Borders", e8; Agustin, "Sex at the margins", 191.

66 Godec, "Between rhetoric and reality", 241.

67 Kapur, "The tragedy of victimization rhetoric", 4-11.

68 For a detailed account of this approach see Kevin Bale, *Understanding global slavery: A reader*, University of California Press, Berkeley, 2005 .

69 O'Connell Davidson, "New Slavery, old binaries", 255-258.

70 Bernstein, "The Sexual Politics", 137.

Farrell and Fahy argue that the dominant portrayal of victims as young, innocent and naïve deceived and coerced into trafficking by organized criminal networks presented in the media and anti-trafficking campaigns prevents law enforcement from identifying victims of trafficking who were, most of the time, were smuggled into the US but ended up in conditions that would be considered trafficking. Some victims are identified and protected but trafficking is not deconstructed and discussed as an activity that is created by unequal distribution of capital or colonial policies.⁷¹ “Nor is trafficking discussed as tied to contemporary practises of imperialism, including US militarism abroad”.⁷²

Trafficking cannot be separated from the forces of liberalization; indeed trade liberalization, in one sense, underlines the economics of this exploitation. Even though current multilateral and regional models of liberalization highlights the free movement of capital, good, services and entrepreneurship; the labor is not liberalized; it remains immobile and confined to state borders. This discrepancy creates and increases the vulnerability of some population where labor is abundant and crossing international borders legally is not possible. Traffickers in this environment should not be perceived as solely criminals but profit-seeking entrepreneurs and trafficking as a profit-generating activity. Without liberalization of labour, anti-trafficking measures will not work.⁷³ Even though convincing, this argument remains limited in terms of a solution, since it assumes that liberalization will solve the problems imposed by globalization, increased poverty and gender disparities, neoliberal policies, unequal labor relations and border control.⁷⁴ This is exemplified by the human rights violations of legal migrants and their vulnerabilities⁷⁵. Disentangling labor and rights protection from immigration control⁷⁶ needs to be supplemented by deconstructing the clear distinction between undocumented migrants and trafficking victims.

71 Amy Farrell, and Stephanie Fahy. “The problem of human trafficking in the US: Public frames and policy responses”, *Journal of Criminal Justice*, 37(6), (2009), 617-618.

72 Hua and Nigorizawaga, “US Sex Trafficking”, 415.

73 Karen Bravo, “Toward a Labor Liberalization Solution to Modern Trafficking in Humans”, *Proceedings of the Annual Meeting (American Society of International Law)*, 102, (2008), 68-69.

74 Agustin, “Sex at the margins”, 191; Bernstein, “The Sexual Politics”, 137; Sharma, “Neoliberal Borders”, e8.

75 Andrijasevic and Anderson, “Anti-Trafficking Campaigns”, 152; Chapkis, “Trafficking, Migration and the Law”, 929; Heeg, “Gender, International Trafficking Norms”

76 Andrijasevic and Anderson, “Anti-Trafficking Campaigns”, 155.

8. Conclusion

The mismatch between the estimates of human trafficking victims by international and national organizations, and the very limited number of immigrants who are considered as genuine victims and offered relief under current provisions is a result of an exclusive understanding of human trafficking victim, who are constructed as an easily identifiable and distinct group. No matter how extensive exploitative conditions of the undocumented migrants are under, only the ones that fit within the pre-existing forms will be granted protection and the others will be treated as criminals.

The extensive use of moving images in anti-trafficking discourses is empirically striking in itself and bears no direct relation with the actual forms of violence that many migrants experience. Human trafficking has a depoliticizing function through the concern with — and intervention on behalf of — a particular type of migrant, namely, the victim rather than broader issues such as labor rights and the freedom of mobility. This neo-abolitionist understanding is inadequate in addressing the human rights of migrants who are susceptible to exploitation. This approach towards trafficking interventions may prove the suppression and intensifying regulation of migration rather than the protection of migrants themselves. Pro-rights perspective has the potential to protect the rights and freedoms of sex workers as well as broader immigrants. What is needed is not more evidence or quantification about particular types of victims “but, rather, a complete reframing of debates concerning the relationship between migration and exploitation.”⁷⁷

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77 Lindquist, “Images and Evidence”, 226.

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BETWEEN NON-INTERVENTION AND THE PROTECTION OF HUMAN RIGHTS: A MORAL ARGUMENT IN DEFENSE OF HUMANITARIAN INTERVENTION

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Abstract

Although humanitarian intervention has been a recurrent issue in moral and political philosophy for some years, much disagreement over its moral justifiability persists among scholars. The common denominator of previous views is their reliance on the assumption that solving the moral problem of humanitarian intervention comes down to making a choice between preserving sovereignty or protecting human rights. The present thesis follows a different strategy: it proceeds from an understanding of the moral puzzle humanitarian intervention presents us with by exploring the philosophical underpinnings of sovereignty and human rights. I argue that humanitarian intervention is morally justified when human rights violations are purposive, systematic, extensive, and preventing or ending them represents an emergency, because it aims to restore a genuine form of sovereignty, consistent with its moral rationale (the sovereignty-centered argument). Additional requirements deriving from this purpose further constrain the justifiability of humanitarian intervention.

Keywords: humanitarian intervention, sovereignty, human rights, moral permissibility

1. Introduction¹

Humanitarian intervention represents the infringement of a state's sovereignty through the use of force by an external agent – one state, a group of states, a regional or global organization - with the purpose of preventing or putting an end to grave violations of the human rights of the citizens' of the state whose sovereignty is infringed, without the consent of the said state.² Although the topic

1 This article represents a shortened version of my MA thesis submitted at Central European University and defended in June 2011. I want to express my gratitude to my professors and colleagues, especially to my supervisor, Professor Zoltan Miklosi, for their invaluable advice and support.

2 This definition is modeled after J. L. Holzgrefe. "The humanitarian intervention debate," in *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas*, ed. J. L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003). 18, and Allen Buchanan. *Human Rights, Legitimacy, and the Use of Force* (Oxford: Oxford University Press, 2010), 201. It rules out other forms of international action commonly associated with humanitarian intervention: non-forcible interventions (economic and diplomatic sanctions, symbolic sanctions such as the interdiction to take part in international sports competitions),

has been subject to arduous debate among philosophers, much disagreement over its moral permissibility persists. The high incidence of grave human rights violations the world has witnessed in its recent history forces us to take the problem of humanitarian intervention seriously and come up with a solution to the following question: is humanitarian intervention ever justified, and if so, when? The purpose of this paper is to provide a moral defense of humanitarian intervention.

The philosophical scholarship on humanitarian intervention suggests that solving the moral problem of humanitarian intervention comes down to making a choice between preserving sovereignty and the corresponding right to non-intervention and protecting human rights. I contend that the alleged necessity of this choice is false and propose a different strategy. The view I defend proceeds from an understanding of the moral puzzle humanitarian intervention presents us with, by exploring the philosophical underpinnings of sovereignty and the corresponding norm of non-intervention on the one hand, and those of human rights on the other. I argue that humanitarian intervention is morally justified when human rights violations are purposive, systematic, extensive, and preventing or ending them represents an emergency, because it aims to restore a genuine form of sovereignty, consistent with its moral rationale. Also, given the multiple risks it presents, the justifiability of humanitarian intervention is further constrained by a series of requirements.

The novelty this view brings to the debate is to show that responding to the moral challenge that humanitarian intervention presents us with does not require giving up on either state sovereignty with its norm of non-intervention or on human rights, but instead coming to a proper understanding of their philosophical underpinnings, which are ultimately compatible. Also, it shows that the question of the justifiability of humanitarian intervention cannot be answered in either/or terms, but needs a more nuanced discussion. The sovereignty-centered argument defended here imposes special constraints on the conduct of humanitarian intervention that derive from its purpose, that of restoring a genuine form of sovereignty.

From a methodological standpoint, this paper represents an exercise in "institutional theory": it takes some facts of the world – such as the existence of an international system of sovereign states – as pre-theoretical and begins the argument from there³.

rescue missions in which the intervening state aims to protect its own citizens living on a foreign territory, and cases of civil war and state breakdown when the government or the political elite asks for foreign help to reinstall the social and political order.

3 Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30,(July 2001): 257-296.

The paper is structured as follows: in Section I, I present and discuss the main concepts and theories that constitute the theoretical body of the paper with the purpose to outline and explicate the puzzle of humanitarian intervention; in Section II, I provide a critical overview of the state of the art in the debate over the justifiability of humanitarian intervention; Finally, in Section III, I develop the sovereignty-centered argument, which represents a better equipped justificatory account of humanitarian intervention.

2. The Puzzle of Humanitarian Intervention

In order to be able to spell out the puzzle of humanitarian intervention, a more thorough understanding of the main concepts from which it is composed is required: sovereignty with the corresponding norm of non-intervention and human rights.

One way to conceive of sovereignty is, following John Simmons, as a body of rights that legitimate states have a claim to. These can be divided into three categories, “rights over subjects” – “a set of rights held over or against those persons who fall within the state’s claimed legal jurisdiction”, “rights against aliens” – “rights claimed against those persons without the state’s jurisdiction”, and “rights over territory” – “rights held over a particular geographical territory (whose extent largely determines the scope of the state’s jurisdiction)”.⁴ Table 1 below provides an overview of the main rights that reasonably just states claim to possess.

Among these, the most important rights for the purposes of this paper are the ones in the second category, first and foremost the right to non-interference. This right is formalized in international law through the principle on non-intervention stated in the article 2.4 of the UN Charter:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.⁵

It is important to note that the principle of non-intervention is a norm of *jus cogens* – the set of highest level norms in international law.

4 A. John Simmons, “On the Territorial Rights of States,” *Philosophical Issues* 11 (2001): 300-326, 300.

5 United Nations, *Charter of the United Nations* (San Francisco: United Nations, 1945).

Table 1: The Rights of Sovereign States⁶

Rights over subjects	Rights against aliens	Rights over territory
the exclusive right to make and enforce law within the state's jurisdiction	to non-interference, self-determination	"to exercise jurisdiction over those within the territory"
to be obeyed by the state's subjects	"to do 'business' in the world", including to wage war	"to reasonably full control over land and resources within the territory that are not privately owned"
"to threaten all subjects with the legal use of coercion and use such coercion against non-compliers"		"to tax and regulate uses of that which is privately owned within the state's claimed territory"
		"to control or prohibit movement across the borders of the territory"
		"to limit or prohibit 'dismemberment' of the state's territories"

One point that needs further discussion is what it means for a state to be legitimate and when it can be recognized as such. These issues are captured by the concept of "recognitional legitimacy". According to Allen Buchanan, this is defined by its *function* - "to make or deny judgments about the status of entities in the international legal system", *content* - the body of rights that independent statehood gives a claim to, the most important of which were presented above, and *criteria of application*.⁷ In what regards the latter, there are four traditional ones, stated in the Montevideo Convention (1933), to which the modern legal practice adds a fifth. Accordingly,

an entity is entitled to recognition as a state if and only if it possesses (1) a permanent population, (2) a defined territory, (3) a functional government able to control the territory in question, (4) the capacity to enter into relations with other states on its own account", and if "(5) in coming into being, an entity that claims to be a state [did not breach] a (basic) rule of international law."⁸

6 Ibid., 305-306.

7 Allen Buchanan, "Recognitional Legitimacy and the State System," *Philosophy and Public Affairs* 28 (Jan. 1999): 46-78, 48-49.

8 Ibid., 49-50.

Buchanan argues for a “justice-based account of recognitional legitimacy”, one that adds to the five criteria noted above “the nonusurpation condition”⁹ and “the minimal internal and external justice condition”. The requirements of minimal internal and external justice are intelligible in terms of basic human rights: an entity that wishes to have a legitimate claim to independent statehood must protect basic human rights within its borders, and refrain from their violation beyond them.¹⁰ We are thus presented with an account of recognitional legitimacy that comprises both descriptive and normative criteria. An entity that only meets the former does not have a legitimate claim to independent statehood and therefore does not have a claim to sovereignty. This position could provide an immediate solution to the problem addressed by this article: a state that systematically violates the basic human rights of its citizens does not have a legitimate claim to sovereignty, which makes military intervention on that state’s territory permissible because no right would be thus infringed. However, there are at least two reasons for being skeptical.

First, the problem of humanitarian intervention arises in the context of an already established system of sovereign states, some of which engage in gross violations of human rights. These states are simultaneously sovereign (at least from a legal standpoint) and internally illegitimate. The question is what justice requires from the international community in such situations: to respect those states’ sovereignty and their right to non-intervention and do nothing except trying by diplomatic means to persuade them to become legitimate, or to infringe their sovereignty and impose sanctions on them, culminating with military intervention in the most serious cases, thus forcing them to become legitimate. Saying that those states do not have a legitimate claim to sovereignty and therefore are not protected by a right to non-intervention is the easy way out, a means to dissolve the problem rather than of attacking it. And if law is to have any relevance for morality, as I believe to be the case, then a moral argument that eludes the legal reality is not one worth considering.

The second reason for rejecting this view has to do with the broader consequences of adopting it. Sovereignty and the right to non-intervention protect states not only from interventions with humanitarian purposes, but also from other forms of international action, such as wars of aggression or peaceful annexations. In the justice-based account of recognitional legitimacy, a state that engages in gross violations of its citizens’ human rights, by not having a claim to sovereignty, is not only liable to humanitarian intervention, but to other practices that sovereignty generally shields states from, practices that we consider impermissible under any circumstances. This means that a persuasive justificatory account of humanitarian

9 “Where institutional resources are available for constitutional change, an entity that comes into being by displacing or destroying a legitimate state by nonconstitutional means is itself illegitimate”. Buchanan, “Recognitional Legitimacy,” 49-50.

10 Buchanan, “Recognitional Legitimacy,” 52.

intervention has to say something about what makes it different from other forms of international action such as aggressive war or peaceful annexation, which turns on our moral reasons for holding sovereignty valuable.

Sovereignty and non-intervention are not solely legal concepts as there are solid, independent moral reasons underlying them. John Rawls, in *The Law of Peoples*, lists sovereignty and non-intervention among the principles of justice that free and democratic peoples would agree upon in the second original position.¹¹ Walzer sees the rights of states ("political communities") – "territorial integrity and political sovereignty" – as both analogous to and derivative from the rights of individuals within the state.¹² The mechanism of derivation is a "consent of a special sort", resulting from "a process of association and mutuality, the ongoing character of which the state claims to protect against external encroachment".¹³ Two points emerge here: first, the primary role of states is to protect the rights of individuals within the state and sovereignty is instrumental to that end; and second, the state is not merely a collection of individuals, but the result of an ongoing "process of association and mutuality", which individuals come to identify with and value in itself.¹⁴ Sovereignty is instrumental to protecting the intrinsic value individuals assign to their political community too.¹⁵

A similar view stems from the liberal tradition. For liberals, sovereignty and the right to non-intervention reflect and protect individual liberty and dignity. They allow individuals to work out their political, economic, social and cultural life together on their own, without foreign interference. In order for democracy and freedom to be meaningful for the members of a political society, they need to be the outcome of their own actions and deliberation.¹⁶ Both Immanuel Kant and John Stuart Mill consider that foreign intervention in domestic affairs, even in times of deep crises, would undermine the authenticity of the political community and would deny its members the right and capacity to set up the institutions to govern their life

11 John Rawls, *The Law of Peoples: with, The Idea of Public Reason Revisited* (Cambridge, Mass.: Harvard University Press, 1999), 37.

12 Michael Walzer, *Just and Unjust Wars: a moral argument with historical illustrations* (New York: Basic Books, 1992), 53, 58.

13 *Ibid.*, 54.

14 Charles R. Beitz, "The Moral Standing of States Revisited," *Ethics & International Affairs* 23 (Winter 2009): 325-347, 338.

15 This intrinsic value of the political community has nothing to do with the kind value nationalist and fanatic communitarians assign to it. This value is subjective in the sense that it is as such for the individuals living in the community. The foreigners' respect of that value derives from the respect owed to the individuals living in the community.

16 Michael Doyle, "A Few Words on Mill, Walzer, and Nonintervention," *Ethics & International Affairs* 23 (Winter 2009): 349-369, 352.

together.¹⁷ Moreover, freedom achieved through the interference of another agent would not last, for people would not value it the same way they would value freedom achieved through their own struggle, and they would miss the political capacities to maintain it.¹⁸ In short, the moral underpinnings of sovereignty and non-intervention are reducible to ideas of human dignity, autonomy, and self-government; they express the idea that the value of a political society stems only in part from the substantive values it embodies - such as democratic principles and various freedoms - the rest deriving from it mirroring the beliefs and desires of its members, which represents the standard of its authenticity and the guarantee of its persistence; sovereignty and non-intervention represent an expression of trust in the equal capacity of human beings worldwide to set up the most appropriate institutions meant to govern their political societies.

These views suggest that the moral rationale underlying sovereignty is individualistic in nature. Following Beitz, three dimensions of this rationale are distinguishable. The first is "strategic": sovereignty is instrumental for the attainment of values such as individual liberty, dignity, and self-government; moreover, sovereign states represent the best institutional arrangements for the protection and promotion of these values.¹⁹ The second dimension is "developmental": it is only through their own workings and deliberation that people can develop the capacities required in order to create and sustain effective institutions; moreover, this process ensures the institutions' authenticity and persistence. The third dimension is "constitutive": sovereignty protects the distinctive character of the political community, which is constitutive of its members' identities, and which they come to value in itself.²⁰ This shows us that there is more to sovereignty than the protection of the rights of the individuals living within the states.

The second core concept this paper relies on is human rights.²¹ The philosophical literature roughly distinguishes between two major types of conceptions of human

17 Immanuel Kant, *Perpetual Peace: a Philosophical Sketch* Available at <http://www.mtholyoke.edu/acad/intrel/kant/kant1.htm>, accessed May 2011; John Stuart Mill, "A Few Words on Non-intervention," in *The Collected Works of John Stuart Mill, Volume XXI - Essays on Equality, Law, and Education*, ed. John M. Robson, Introduction by Stefan Collini (Toronto: University of Toronto Press, London: Routledge and Kegan Paul, 1984) Available at http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php&title=255&search=%22A+Few+Words+On+Non-intervention%22&chapter=21666&layout=html#a_809352, accessed February 2012.

18 Mill, "A Few Words,"; Doyle, "A Few Words on Mill," 352-353

19 See Robert Goodin, "What is So Special about Our Fellow Countrymen?," *Ethics* 98 (Jul. 1988): 663-686.

20 Beitz, "The Moral Standing," 338.

21 The legal dimension of human rights is left out due to the space constraints this article is subject to. For a comprehensive and up to date overview of the international human

rights: traditional conceptions and political ones. Traditional conceptions take human rights to be those rights that human beings possess simply by virtue of their humanity.²² James Griffin, one proponent of this conception, sees human rights as being moral rights grounded in the conjunction of two elements: “normative agency”, understood as “our capacity to choose and to pursue our conception of a worthwhile life”, which he believes represent the defining feature of our humanity; and “practicalities” - “human nature” and “the nature of society” – which come into play for reasons of effectiveness, more specifically because normative agency alone “is often not up to fixing anything approaching a determinate enough line for practice”.²³ The sustenance of normative agency requires three things: autonomy, liberty, and welfare. Being autonomous means being left to develop one’s own conception of a worthwhile life without external pressure or control; liberty – understood as negative liberty – is what gives one the necessary space in order to act upon one’s personal conception of a worthwhile life; finally, some minimal welfare – education, health care, resources - is required in order for one’s exercise of autonomy to be meaningful. One important merit of Griffin’s conception is that he succeeds in answering the question about the distinctiveness of human rights. Moreover, it provides a valid test for establishing which of the rights thought of being human rights are genuinely so.²⁴

However, as Barry and Southwood note, this conception is vulnerable to two major objections: first, by taking what the protection of normative agency requires as the proper standard for something to be a human right, Griffin’s conception fails to account for some of the most intuitively plausible human rights, such as the right against racial discrimination;²⁵ and second, “it fails to account for (...) the political aspect of human rights” in the sense that it does not include any sort of “organized political authority” (e.g. the state) that can be held under a duty to protect and promote human rights.²⁶

rights regime, see James Nickel, “Human Rights,” *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Fall 2010 Edition), URL <http://plato.stanford.edu/archives/fall2010/entries/rights-human/>, Accessed May 2011.

22 Charles R. Beitz, *The Idea of Human Rights* (Oxford: Oxford University Press, 2009), 49.

23 James Griffin, *On Human Rights* (Oxford; New York: Oxford University Press, 2008), 45, 37.

24 Christian Barry and Nicholas Southwood, “What Is Special about Human Rights?,” Review of *On Human Rights*, by James Griffin, and *The Idea of Human Rights*, by Charles Beitz. *Ethics and International Affairs* 25, (forthcoming), 5-6.

25 The argument Barry and Southwood make is that it is not clear in which sense racial discrimination can harm normative agency in such a way as to deny it. One important point here is that Griffin conceives of human rights as what is needed to protect minimally functional normative agency Barry and Southwood, “What Is Special,” 6-7.

26 Barry and Southwood, “What Is Special,” 6-8.

Critical of this latter aspect, political conceptions take the function human rights perform in the international society to be the correct starting point for a philosophical account of human rights. According to Raz, a theory of human rights has two tasks: first, "to establish the essential features which contemporary human rights practice attributes to the rights it acknowledges to be human rights"; and second, "to identify the moral standards which qualify anything to be so acknowledged".²⁷ Traditional conceptions limit themselves to the second task, which renders them unhelpful in making sense of the contemporary human rights doctrine. In his very short passage on human rights from *The Law of Peoples*, Rawls is the first to describe what is called a political conception. According to him, human rights play three important roles in "a reasonable Law of Peoples":

1. their fulfillment is a necessary condition of the decency of a society's political institutions and of its legal order;
 2. their fulfillment is sufficient to exclude justified and forceful intervention by other peoples (...);
 3. they set a limit to the pluralism among peoples".
- These roles mark the distinctiveness of human rights as compared to "constitutional rights" or "rights of democratic citizenship".²⁸

Following Rawls, Raz takes as the starting point of his conception contemporary human rights practice. This provides the solution to the first task: "the dominant trend in human rights practice is to take the fact that a right is a human right as a defeasibly sufficient ground for taking action against the violator in the international arena". From here the solution to the second task follows: "human rights are those regarding which sovereignty-limiting measures are morally justified".²⁹ Beitz's conception is roughly similar: for him the practical role of human rights is the establishment "of a set of norms or the regulation of the behavior of states together with a set of modes or strategies of action for which violations of the norms may count as reasons".³⁰ Etinson notices that regarded this way, human rights establish "a normative division of labor between states as the bearers of primary responsibilities to respect and protect these urgent interests, on the one hand, and the international community (and those acting as its agents) as the guarantors of these responsibilities, on the other".³¹ Consequently, in order for something to qualify as a human right, it must: 1) protect "a sufficiently urgent or important individual interest"; 2) domestic institutions are likely to behave in a way that endangers that interest in the absence of a right to protect it; and 3) the

27 Joseph Raz, "Human Rights without Foundations," in *The Philosophy of International Law*, ed. Samantha Besson and John Tasioulas (Oxford: Oxford University Press, 2010). 321-338, 327.

28 Rawls, *The Law of Peoples*, 79-80.

29 Raz, "Human Rights," 328-329.

30 Beitz, *The Idea of Human Rights*, 8.

31 Adam Daniel Etinson, "To be or not to be: Charles Beitz on the Philosophy of Human Rights. Review of *The Idea of Human Rights*, by Charles Beitz," *Res Publica* 16 (June 2010): 441-448, 444.

international community disposes of permissible modes of action whose effective carrying out would lessen the likelihood of that interest to be endangered.³²

Political conceptions fare better than traditional ones in accounting for some widely acknowledged human rights, and, most importantly, by identifying states as the primary duty-bearers, they manage to clarify the political aspect of human rights. However, there are important objections that can be raised against them. Barry and Southwood note two: first, by relying too much on the actual practice, they render human rights dependent upon the empirical facts of the setting in which the practice takes place; second, and most problematically, they blur the distinction between human rights as such and their institutionalized form.³³

Ronald Dworkin raises a third objection, which refers to the threshold political conceptions establish for something to count as a human right. For him, human rights, just as political rights, represent “trumps over otherwise adequate justifications for political action”.³⁴ In Dworkin’s reading, political conceptions locate the distinctiveness of human rights in their acting as trumps over national sovereignty understood in the Westphalian sense. Besides other problems associated with this view, he believes that “the trumps-over-sovereignty idea seems to set too high a bar”, resulting in a very short list of human rights that does not match the lists included in international legal documents and advocated for by international human rights activists. The strategy he suggests for distinguishing human rights from political rights is to shift the level of abstraction:

though people have a political right to equal concern and respect on the right conception, they have a more fundamental, because more abstract, right. They have a right to be treated with the attitude that these debates [about what political rights people have] presuppose and reflect – a right to be treated *as* a human being whose dignity fundamentally matters.³⁵

The latter is, according to Dworkin, “the basic human right”. In this view, violations of human rights are represented by policies that manifestly express the opposite attitude to members of the political community.³⁶

Given the strengths and weaknesses of the two types of conceptions, I would like to propose a mixed conception, one that grounds human rights in a substantive value,

32 Ibid., 444.

33 Barry and Southwood, “What Is Special,” 13-16. Their criticism refers to Beitz’s version. However, I believe it can be extended to the Rawls/Raz version as well.

34 Ronald Dworkin, *Justice for Hedgehogs* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2011), 329, 332.

35 Ibid., 335.

36 Ibid., 332-335.

but takes into account the contemporary practice as well. I shall define this conception along four dimensions proposed by Mathias Risse.³⁷ As such, *the basis* on which individuals possess human rights is their shared humanity, whose distinctive feature is human dignity. Like Dworkin, I understand dignity to require two things: treating individuals' fates as equally important, and "respect for individuals' responsibilities for their own lives".³⁸ I also take *the principle* that generates the list of human rights from Dworkin: human rights are rights to an attitude that is consistent with the two requirements of dignity. In this view, a state violates the human rights of its citizens by pursuing policies and enforcing laws that represent a rejection of their dignity.³⁹ *The list* that this principle generates contains at the minimum the following rights: the right to life (the right not to be killed), the right to physical and mental integrity (against torture and other forms of degrading treatment); rights against discrimination based on race, ethnicity, religion, gender, age, sexual, and political orientation; liberty rights (the right to "freedom from slavery, serfdom, and forced occupation"⁴⁰, freedom of conscience, of thought, of speech, to religious, and political freedom, the right to private property); due process rights; and minimal welfare rights (a right to the means of subsistence, education, health care).⁴¹

Finally, this conception identifies three *agents that are under a duty to protect and promote human rights*: first, there are the states, who hold primary responsibility in this sense; second, the international community acts as guarantor of the protection of human rights, which entails taking up the responsibility to secure human rights when states fail to do so; and third, in a more general and abstract sense, humanity at large, as refraining from participating in unjust institutional schemes, that is, schemes that generate human rights violations, represents the content of the general duties of justice that all human beings owe to each other.

The mixed conception does not entail that humanitarian intervention is justified whenever states do not fulfill their duty to protect human rights. The definition of humanitarian intervention specifically refers to human rights violations as distinct

37 Mathias Risse, "Human Rights as Membership Rights in the Global Order," Paper presented at the John F. Kennedy School of Government, Harvard University, February 19, 2008, in Cambridge, Massachusetts, U.S.A, 5. According to him, a fully fledged conception of human rights consists of four elements: "first, an actual list of rights classified as human rights; second, an account of the basis on which individuals have them (an account of what features turn individuals into right holders); third, an account of why that list has that particular composition, that is, a principle or a process that generates that list; and fourth, an account of who has to do what to realize these rights".

38 Dworkin, *Justice*, 330.

39 *Ibid.*, 335.

40 Rawls, *The Law of Peoples*, 65.

41 I used as sources for the composition of the list Rawls' *The Law of Peoples*; Buchanan's *Human Rights*; and Dworkin's *Justice*.

from mere failures to protect them. The latter may constitute a reason for action on the part of the international community, but not for humanitarian intervention. Moreover, not all violations justify humanitarian intervention. The responsibility assigned to the international community by the mixed conception can be discharged through various forms of action, some of which do infringe on state sovereignty and some others that do not. To put it briefly, while the mixed conception opens the door for humanitarian intervention, additional conditions need to be satisfied in order for it to be justified.

We are now in a position to explicate the puzzle of humanitarian intervention. At the foundational level, sovereignty and human rights express the same moral commitment to human life and dignity. However, practice shows that states often abuse their power by enacting laws and pursuing policies that violate the human rights of their citizens, sometimes in a severe and systematic manner. Such cases represent instances in which the exercise of sovereignty clashes with, on the one hand, its own moral rationale, and on the other hand, with human rights. State sovereignty with the corresponding norm of non-intervention and human rights represent the two most important moral and legal pillars of the contemporary international system.

This is the context in which the problem of humanitarian intervention arises. Answering the question of its permissibility seems to require choosing between the two principles, but either alternative entails indefensible consequences: completely disregarding sovereignty would assert the moral irrelevance of legality and would open the door for other forms of international action – such as aggressive war or unilateral peaceful annexation – that we hold impermissible under any circumstances; refusal to intervene would show disrespect to the life and dignity of those suffering from their human rights being violated and would represent a failure of the international community to act on its responsibility for the fulfillment of human rights. To put it briefly, humanitarian intervention presents us with a serious dilemma without a straightforward solution. This picture is further complicated by the unclear status of humanitarian intervention in international legal texts and its highly selective and arbitrary practice since 1945.

3. The Moral Case for Humanitarian Intervention

Philosophical arguments regarding humanitarian intervention fall, according to Fernando Tesón into three categories: first, absolute non-interventionist arguments hold that intervention is never justified except in self-defense (as a reaction to previous unjustified aggression); second, limited interventionist arguments hold that humanitarian intervention is justified only in the most extreme cases of human rights violations, “such as genocide, mass murder or enslavement”; and third, broad interventionist arguments hold that humanitarian intervention is permissible in a

broader set of circumstances that also include grave human rights violations, “which need not, however, reach genocidal proportions”.⁴² In this section I shall provide a critical overview of the main arguments in the second and third category. I contend that these are unpersuasive, for they tend to elude important aspects of the problem, which makes them vulnerable to serious objections. Their common denominator is working on the assumption that answering the moral challenge humanitarian intervention presents us with presupposes making a choice between sovereignty with the corresponding norm of non-intervention on the one hand, and human rights on the other, which, as shown in the previous section, is mistaken.

3.1 Limited Interventionism

The first argument in this category relies on the notion of the moral duty to obey the law.⁴³ It holds that intervention conducted without proper authorization (illegal humanitarian intervention) is impermissible, for members of the international community (that are also subjects of international law) have a moral duty to comply with international law. This duty is grounded in their acceptance of international norms as binding, either explicitly in the case of treaties, or tacitly in the case of customary norms.⁴⁴ There are at least three possible objections to this view: the first challenges the claim that members of the international community have indeed a moral duty to obey international law; the second challenges the claim that unauthorized humanitarian intervention is illegal from the standpoint of international law; and the third makes a case for “illegal acts of international legal reform”.⁴⁵ I shall focus here solely on the last one.

The third objection follows from an argument proposed by Buchanan for the moral justifiability of “illegal acts of international legal reform”, which he distinguishes from “mere conscientious lawbreaking”.⁴⁶ Given the existing mechanisms for international lawful legal reform,⁴⁷ he argues that “fidelity to law”, understood not merely as obligation to comply deriving from consent but more substantively as commitment to the rule of law, does not rule out illegal acts directed towards improving the system; on the contrary, it may sometimes require them.⁴⁸ However,

42 Fernando Tesón, *Humanitarian Intervention: an inquiry into law and morality* (Irvington-On-Hudson, NY: Transnational Publishers, 1997), 23-24.

43 This argument supports narrow interventionism (and opposes broad interventionism) in a different sense than the rest of the arguments in this category. It is not a certain threshold of human rights violations that establishes when humanitarian intervention is permissible and when it is not, but whether it is conducted with proper authorization or not.

44 Buchanan, *Human Rights*, 303.

45 *Ibid.*, 298-328.

46 *Ibid.*, 299.

47 *Ibid.*, 303.

48 *Ibid.*, 306-315.

it does impose additional burdens of justification. He thus proposes eight “guidelines for determining the moral justifiability of illegal acts of reform”. The first four guidelines specify conditions under which an illegal act of reform “bears a greater burden of justification”:

- 1) “the closer the system approximates the ideal of the rule of law”;
- 2) “the less seriously defective the system is from the standpoint of the most important requirements of substantive justice”;
- 3) “the more closely the system approximates the conditions for being a legitimate system”;
- 4) violation of “one of the most fundamental morally defensible principles of the system”.

The last four guidelines specify conditions under which an illegal act is more easily justifiable:

- 5) “the greater the improvement, the stronger the case for committing the illegal act”;
- 6) likelihood “to improve significantly the legitimacy of the system”;
- 7) likelihood “to improve the most basic dimensions of substantive justice in the system”; and
- 8) likelihood “to contribute to making the system more consistent with its most morally defensible moral principles”.⁴⁹

Buchanan distinguishes between two different justifications given for the NATO intervention in Kosovo: the first claimed that the intervention was illegal, but justified in order to prevent gross human rights violations, whereas the second claimed that the intervention was justified because it was directed towards establishing a new, “more enlightened” customary norm that permits unauthorized humanitarian intervention.⁵⁰ The argument suggested here only defends illegal humanitarian intervention as long as it aims to bring about an improvement in the system, preventing or putting an end to grave human rights violations being only a necessary, but not sufficient reason. I believe the distinction between the two justifications is artificial, for a genuinely humanitarian motivation for conducting the intervention implicitly expresses the judgment that the system is defective, in the sense that it permits such injustices to occur, and therefore that it needs to be reformed by making unauthorized humanitarian intervention lawful.

My argument is that any unauthorized humanitarian intervention represents an instance of an illegal act of reform as long as its motivation is genuinely humanitarian. To sum up, the third objection gives a plausible reply to the argument from the moral duty to obey the law. It states that the idea of “fidelity to law” is not

49 Ibid., 318-319.

50 Ibid., 321-322.

sufficient to rule out illegal acts of international legal reform, of which humanitarian intervention represents an instance, as long as it is faithful to its humanitarian cause. However, it does impose supplementary burdens of justification, which a plausible defense of humanitarian intervention needs to deal with.

Another version of narrow interventionism relies on the idea of the rights of sovereign states. Advocates of this view – that Altman and Wellman call the “consensus” – hold that, although non-intervention ought to be the norm, exceptional human rights violations can justify humanitarian intervention.⁵¹ The value of state sovereignty is central to the consensus. As Walzer puts it, the rights of a political community – “territorial integrity and political sovereignty” – derive their force from the special kind of contract that lies at the foundation of the political community, understood as an ongoing “process of association and mutuality”.⁵² The special nature of the political community, which is not paralleled in the international society, results in an asymmetrical relationship between the conditions of internal legitimacy on the one hand, and external legitimacy on the other.⁵³ From here follows the apparent paradox of an internally illegitimate state that still retains its external legitimacy.

However, when the “unfit” between people and government is radical, states cease to possess external legitimacy, and “the rules of disregard” apply. One of these holds that “states can be invaded and wars justly begun [...] to rescue people threatened with massacre.”⁵⁴ As such, humanitarian intervention is permissible “when it is a response (with reasonable expectations of success) to acts that ‘shock the moral consciousness of mankind’”.⁵⁵ These include massacre, enslavement, and massive expulsion.⁵⁶ The rationale for the rules of disregard is that such violations are praiseworthy or at least not condemnable because “they uphold the values of individual life and communal liberty of which sovereignty itself is merely an expression”.⁵⁷ Other scholars endorsing the consensus view establish as threshold for humanitarian intervention human rights violations that amount to “supreme humanitarian emergency” like genocide, “state-sponsored mass murder” and “mass

51 Andrew Altman and Christopher Heath Wellman, “From Humanitarian Intervention to Assassination: Human Rights and Political Violence,” *Ethics* 118 (Jan. 2008), 228-257, 231.

52 Walzer, *Just and Unjust Wars*, 53-54.

53 Internal legitimacy refers to the relationship between the state and its citizens, whereas external legitimacy points to the moral and legal standing of the state within the international society (Walzer 1980; 1992).

54 Walzer, *Just and Unjust Wars*, 108; Michael Walzer, “The Moral Standing of States: A Response to Four Critics,” *Philosophy and Public Affairs* 9 (Spring 1980): 209-229, 216-218.

55 Walzer, *Just and Unjust Wars*, 107.

56 Walzer, “The Moral Standing,” 218.

57 Walzer, *Just and Unjust Wars*, 108.

population expulsions by force⁵⁸, or “the gravest crimes” – less than genocide, but more than ordinary oppression.⁵⁹

The consensus view, and in particular Walzer’s argument offer the most promising strategy for a justificatory account of humanitarian intervention. However, there are two difficulties with the argument. First, Walzer seems to attach an intrinsic value to “communal liberty”, one that is independent of the value the members of the political community assign to it. Elsewhere, he notes that individual lives may sometimes be sacrificed for the sake of “communal liberty”.⁶⁰ The question is to what extent this is permissible, and what happens when an overwhelming majority decides that the existence of a small minority (defined, say, in terms of sexual orientation) undermines “communal liberty” and the government starts enacting laws that discriminate against them. Obviously, there is no “radical unfit” between people and government for the latter has the support of a large majority of the former. The problem, as I see it, is that Walzer’s argument tolerates the violation of the human rights of small minorities as long as those are endorsed by a majority of the people in the name of “communal liberty”. This leads us to the second problem, namely the kind of human rights violations that justify humanitarian intervention.

Specifically, advocates of the consensus view limit themselves to vague, rather metaphorical expressions and some specific examples. If humanitarian intervention is only justified in those cases that are explicitly stated, then the bar is too high; if it is justified in more circumstances, than the consensus view does not provide us with any test principle. I believe drawing a principled line between violations that justify intervention and violations that do not is an important task of a justificatory account of humanitarian intervention. Such principled distinction needs to be rooted in a coherent conception of human rights. I contend that the argument from the rights of states fails to provide a successful justification of humanitarian intervention.

3.2 Broad interventionism

Broad interventionist arguments revolve around the claim of symmetry between internal and external legitimacy: whenever a state violates the basic human rights of its citizens, it ceases to be internally legitimate and thus forfeits its external legitimacy as well. The most defensible formulation of this position belongs to, I believe, Fernando Tesón. His argument begins with the claim that, read in light of the appropriate moral and political philosophy, state practice and international

58 Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford : Oxford University Press, 2000), 34 in Altman and Wellman, “From Humanitarian Intervention to Assassination,” 230.

59 Terry Nardin, “Humanitarian Imperialism: Response to ‘Ending Tyranny in Iraq,’” *Ethics and International Affairs* 19 (2005): 21–26, 22 in Altman and Wellman, “From Humanitarian Intervention to Assassination,” 230.

60 Walzer, *Just and Unjust Wars*, 54.

legal documents entail a customary norm of humanitarian intervention, understood as the right of states to engage in such acts.⁶¹ The “ethical theory of international law” Tesón defends can be summarized as follows: 1) governments are agents of the people, both domestically and internationally; as such, their rights in the international society are derivative from the individual rights of their subjects; put differently, the moral justification of states rests on their protection of the human rights of their citizens; 2) when governments fail in performing this task, humanitarian intervention is justified, provided certain conditions are met – a) it “must be aimed at dictators for the purpose of putting an end to human rights violation”, b) must be “governed by the interplay of the principles of proportionality and restoration of human rights”, c) “the victims of oppression must welcome the intervention”.⁶² As discussed before, it is not true that when states violate the human rights of their citizens sovereignty is completely undermined, for there are grounds other than the protection of human rights for valuing sovereignty.⁶³

But there are other reasons why this view is untenable. These concern Tesón’s general strategy and hold that an ethical approach does not provide valid moral and legal guidelines for interpreting international law. First, the argument works against a significant amount of the recent scholarship in the philosophy of international law, which tries to cut off international law from morality and bring it closer to the status of a proper legal system.⁶⁴ Second, the argument relies on an interpretive strategy which is highly contestable. What this argument suggests is a “moral reading” of international law, which is a dangerous path. It is dangerous because reading international legal texts and state practice in light of what they ought to mean often comes down to reading them in light of what we want them to mean, and by “we” I mean the majority, or a very powerful minority, neither of them with any moral authority (if such entity exists).⁶⁵

61 Tesón, *Humanitarian Intervention*, 11-15.

62 *Ibid.*, 117-129.

63 Tesón later revised this argument by acknowledging that a state being internally illegitimate does not constitute a sufficient condition for intervention. However, if intervention is not justified against a particular illegitimate state, it is not for reasons of sovereignty, but for different ones (Fernando Tesón, “The liberal case for humanitarian intervention,” in *Intervention: Ethical, Legal, and Political Dilemmas*, ed. J. L. Holzgrefe and Robert O. Keohane (Cambridge: Cambridge University Press, 2003). 93-129, 99). Even in this amended version, the argument is still vulnerable to the objection against the general strategy Tesón employs.

64 See Samantha Besson and John Tasioulas, Introduction to *The Philosophy of International Law*, ed. Samantha Besson and John Tasioulas (Oxford: Oxford University Press, 2010). 1-27, 1-19.

65 See Antonin Scalia, “Common-Law Courts in a Civil-Law System: The Role of United States Federal Courts in Interpreting the Constitution and Laws,” in *A Matter of Interpretation: federal courts and the law; an essay by Antonin Scalia; with commentary by*

Third, the weakest point of the whole idea of humanitarian intervention is its practice. The establishment of a new norm of customary law requires the practice to meet two criteria: "general observance" and "widespread acceptance that it is lawful".⁶⁶ Given the highly selective and arbitrary exercise of the alleged "right to humanitarian intervention", it is difficult to show that the practice meets the first criterion. It is even more difficult to show that it meets the second, given the continuous refusal of the Security Council and the General Assembly to recognize its lawfulness either ex-ante or ex-post. Finally, even states that did intervene on the territory of other states where governments were massacring their citizens were reluctant to invoke a right to unauthorized humanitarian intervention, instead justifying their actions on other grounds^{67, 68}. In short, broad interventionist arguments also fail in successfully defending the moral justifiability of humanitarian intervention.

4. The Sovereignty-Centered Argument

The argument for the moral permissibility of humanitarian intervention follows from the discussion above. Given the kind of moral considerations that underlie sovereignty, when states grossly and systematically violate the human rights of their citizens, that is, they pursue policies that are manifestly inconsistent with the principles of dignity, they also act against the moral rationale of sovereignty. Although they become internally illegitimate, states retain residual sovereignty, which still gives them a claim against foreign intervention. The mixed conception of human rights defended here holds that, when states do not successfully discharge their duty to protect the human rights of their citizens, the international community, through its agents, bears residual responsibility in this respect. The international community has at its disposal a variety of possible modes of action, whose appropriateness and permissibility depend primarily, but not exclusively, on the kind of human rights violations that characterize a specific case.

When the violations are purposive, extensive, systematic, and require urgent action in order to be stopped or prevented, the appropriate mode of action is that of humanitarian intervention. What makes humanitarian intervention permissible in

Amy Gutmann et al., ed. Amy Gutmann (Princeton, N.J.: Princeton University Press, 1997), 3-48, 37-41.

66 Holzgrefe, "The Humanitarian Intervention Debate," 46.

67 See examples in Holzgrefe, "The Humanitarian Intervention Debate," 48-49 and International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Research, Bibliography, Background: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001), 49-76.

68 Holzgrefe, "The Humanitarian Intervention Debate," 46-49.

such circumstances (unlike aggressive war or peaceful annexation) is that, although it represents an infringement of the residual sovereignty states retain, it is consistent with, and is conducted in respect of, its moral rationale. In this view, humanitarian intervention can be seen as a safety mechanism the international community disposes of, that can be rightfully used in order to prevent or put an end to human right violations that satisfy the abovementioned criteria.

An analogy with medical science can be used in order to make the argument more clear. Suppose the political community is something like the human body and sovereignty something like the immune system. Normally, the immune system is very valuable, for it protects the body from infections. As such, we believe it is something worth keeping intact. However, there are rare, but dangerous cases when the immune system becomes overactive, turns against the body and starts destroying its cells and tissues. In such cases the appropriate treatment consists of immunosuppressants, which weaken the immune system, thus containing the damage.

The rationale behind the treatment is that, by suppressing the immune system, it saves the cells and tissues and restores the normal functioning of the body. Given the risks of this treatment, additional protective measures need to be taken, such as keeping the body in a completely sanitary room, for with the immune system suppressed, the most banal infection can become fatal. I believe gross and systematic human rights violations are similar to autoimmune diseases. Sovereignty, something that we normally hold valuable, goes astray and turns against the very things it is supposed to protect. Humanitarian intervention is like the immunosuppressant treatment: by infringing on sovereignty, it aims to restore the normal functioning of the political community. Because of the dangers it poses, protective measures need to be taken in order to make sure it does not undermine the political community.

Given the highly destructive nature of military interventions, additional conditions need to be met in order for the action to be justifiable.⁶⁹ First, intervention needs to be genuinely humanitarian in purpose. This ensures that it is consistent with, and is conducted in respect of the moral rationale of sovereignty. Given the facts of world politics and national interest that remains the main determinant of the external behavior of states, an alternative and less demanding condition could suffice: intervention need only to be primarily and predominantly humanitarian.

⁶⁹ Most of these conditions figure in other accounts of the justifiability of war in general and of humanitarian intervention in particular (see for example: Walzer, *Just and Unjust Wars*). However, I give them a personal interpretation in light of the account defended here.

I shall illustrate the point with an example. Suppose you are walking on the street and from one of the houses you hear a child crying from being beaten by her parents. Suppose you heard from the neighbors that the parents regularly beat their child for no good reason. You consider this to be a good enough reason to infringe on their property rights, break into the house, stop them and report them to the police. Suppose now that you know the parents because you used to go to school together. You strongly resent them because back then they were often bullying you. So, although your main motivation is saving the child (you would do it even if the parents were strangers to you), you also take great pleasure in humiliating the parents. I believe saving the child is still permissible, even required in this circumstance. Similarly, in the case of intervention, it does not matter if the agent that intervenes has subsidiary reasons, as long as these reasons do not work against the moral rationale of sovereignty.

Second, intervention needs to be a measure of last resort. This condition may seem redundant given the kind of human rights violations that justify humanitarian intervention, but it is important that agents of the international community carefully weigh different forms of action against each other. It may happen that, due to exceptional circumstances, although the rights violations are of such nature that they justify intervention, other modes of action could be just as effective. Third, the intervention needs to be proportional to the danger it aims to contain. Again, this may seem redundant, for humanitarian intervention is by definition an extreme response to an extreme situation. However, different cases pose different challenges, so the scale of the intervention needs to be proportional to the expected scale of retaliation from the part of the state on whose territory the intervention is carried out. Fourth, the intervention needs to have reasonable expectations of success.⁷⁰

What makes humanitarian intervention different from aggressive war or peaceful annexation is that it aims to give the political community back to its members. I propose this to be the standard of success. But what does it mean? First, it must

70 This requirement is susceptible to two objections. The first holds that only military powerful states can justifiably carry out humanitarian intervention for military might is essential for success. The second holds that in this account intervention against militarily powerful states could be impermissible for the expectations of success in these cases are reasonably low. I contend the two objections are legitimate; however, their source is located in the facts of world politics and global power distribution and they threaten to undermine the philosophical account defended here only to the extent that the latter fails to consider the former. Although I agree that a comprehensive account of humanitarian intervention ought to consider these problems, it is outside the scope of the present thesis to do so, which is a serious limitation I acknowledge. The recommendation here is that insofar as it is possible, it is morally preferable that intervention be multilateral, that is, carried out by a group of states or a regional or global organization, which would, I believe, partly secure this account against the two objections.

actually prevent or put an end to the human rights violations that triggered the intervention. This generally requires removing those in power from office. But this does not suffice, for a void of political power and the subsequent struggles to fill it in are highly likely to degenerate into further human rights violations. So in some way, the international community must do something to assist the state in its transition to a just political regime. Fifth, a further requirement derives from the purpose of humanitarian intervention: when all other conditions are met and there are alternative ways of conducting the intervention, the preferred strategy should be the one that maximizes the prospects of restoring sovereignty in the shortest feasible period. As such, strategically destroying essential infrastructure or vital resources should be avoided to the greatest possible extent. Lastly, a desirable, but not obligatory condition: when it is possible, the intervention should be multilateral – conducted by a group of states, a regional or global organization – rather than unilateral, that is, conducted by a single state. This would further insure against the risk of abuses.

One aspect needs further exploration, namely which human rights violations count as serious enough as to justify intervention. As noted earlier, a state violates the human rights of its citizens by pursuing policies and enforcing laws that represent a rejection of their human dignity. Two features of violations are implicit in the definition: they are purposive and systematic. This rules out failure to protect human rights due to lack of knowledge or institutional capacity. Violations being systematic means two things: they are part of state policy, explicit or implicit, legally formalized or not; and state capacities (institutional, financial) are used towards their purpose. A further requirement is that violations need to be extensive, meaning that they affect either a significant number of the entire population, or all (the large majority) of a specific group of the population, defined in terms of race, ethnicity, religion, gender, age, sexual or political orientation.⁷¹ The last requirement is that preventing or putting an end to them needs to represent an emergency.

This means two things: first, that immediate action is required; and second, that in the absence of such action, the lives of the individuals suffering from the violations would be damaged in a way that is irreversible, irreparable, and cannot be compensated for. The most obvious examples of human rights violations that justify intervention are those given by the majority of scholars and formalized by international law: genocide, ethnic cleansing, enslavement and mass deportation.

71 This is a numerical criterion against which an important objection can be raised. Especially in societies that undergo civil war, or suffer from extreme poverty, it is difficult to know the exact number of human rights violations that can be attributed to government action. Again the moral justification proposed here is susceptible to this objection insofar as it fails to take into account a series of practicalities that a comprehensive justificatory account of humanitarian intervention should consider.

Also, the extensive use of torture as a means of interrogation counts in this category. It should be noted that the kind of violations that justify humanitarian intervention concern more than one right. For instance, genocide or ethnic cleansing represents the violation of the right against racial or ethnic discrimination and at the same time of the right to life, against torture, or against certain fundamental freedoms.

To conclude this section, I point out the strengths of the sovereignty-centered argument. First, it takes international law seriously. Unlike other views that settle for simply disregarding sovereignty when states grossly violate the human rights of their citizens, the present argument shows that even when states engage in such actions, we still have reasons to care about their sovereignty, and humanitarian intervention is justified precisely because it is consistent with those reasons. This brings us to the second strength, namely that it provides a principled distinction between humanitarian intervention on the one hand, and aggressive war or peaceful annexation on the other, thus explaining why in cases of gross human rights violations the former is justified, whereas the latter are not. Third, the sovereignty-centered argument provides a principled distinction between human rights violations that justify humanitarian intervention and those that do not, which is rooted in a conception of human rights. For these reasons, I believe the present argument is more successful than the ones previously discussed in making a moral case for humanitarian intervention.

5. Conclusions

This article aimed to offer a moral defense of humanitarian intervention. The strategy adopted was to begin by exploring the philosophical underpinnings of sovereignty with the corresponding norm of non-intervention on the one hand, and human rights on the other, in order to arrive at a proper understanding of the moral challenge humanitarian intervention presents us with. It was shown that at the foundational level the two notions express the same moral commitment to the protection of individual life and dignity. As such, when states gravely violate the human rights of their citizens, sovereignty clashes with both human rights and its own moral rationale. The sovereignty-centered argument suggested regarding humanitarian intervention as a safety mechanism that the international community possesses in order to deal with instances when sovereignty goes astray and betrays its moral function. Its thrust was that humanitarian intervention, unlike other forms of international action, is justifiable because it is consistent with, and is conducted in respect of the moral rationale of sovereignty.

Also, given the multiple risks it involves, the justifiability of humanitarian intervention is constrained by meeting certain requirements that derive from its purpose. Of course, a philosophical account of humanitarian intervention does not settle the issue, for there are serious legal and political considerations that need to

be addressed in order to get a comprehensive account. In this sense, this paper suffers from important limitations. However, it was not my purpose here to settle the issue once and for all and the solution to the puzzle of humanitarian intervention defended here is only meant to shed more light on the topic and open avenues for further inquiry.

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BOOK REVIEWS

Alexander Mühlen. *International Negotiations: Confrontation, Competition, Cooperation* (Münster: LIT Verlag, 2010)

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Successful negotiators, remarked author Jim Hennig, have formed the habit of doing those things that unsuccessful negotiators dislike and will not do. Armed with Alexander Mühlen's new political negotiation manual, the student of international negotiation will at the very least know what is expected of a master of conciliation and, more likely, emerge from their reading with a deep understanding of negotiation tools, tactics and strategy. Heavy with specific and relevant examples from the international political and business spheres and including four detailed practical role play activities aimed at student and professional readers, Mühlen's book could well serve as a core text for tertiary students in both Bachelor and Master's degree programs.

Mühlen brings to his text a lifetime of theoretical knowledge and practical experience. While the author humorously claims negotiations for stolen kisses among his earliest successful dialogues, it is his career as a German diplomat spanning almost 40 years that provides the foundation for this overview of negotiation techniques. Beginning his career as a junior diplomat and rising to the ambassadorial rank, Mühlen claims to have represented his country "on four continents, in five languages and [in] six different cultures" (p. 301). Throughout the text Mühlen draws on this cross-cultural experience to offer readers real life examples of negotiations in places as diverse as a French airplane factory (pp. 42-44), the Yemeni desert (pp. 165-166) and a Singaporean business suite (pp. 170-173). The inclusion of more than a dozen separate case studies throughout the text allow Mühlen to illustrate specific claims while pushing the reader to recognise the book's broader point that negotiation is a skill that can be learnt, developed and practiced across borders, across cultures and in a variety of social, political and commercial environments.

International Negotiations is well organised across ten chapters and four annexes. Chapters One and Two provide the necessary introductory conceptual framework for a study of negotiation. The basic definitions, aims and broad roles are explained in the first chapter while the second chapter considered the structures into which these aspects fit. Strategies for bilateral negotiations (Chapter Three), multilateral negotiations (Chapter Four) and mediation (Chapter Five) are covered in some detail before two broad issues – structural imbalances and cultural difficulties – are identified and assessed in two short, consecutive chapters. The final three chapters

of the text consist of an overly complicated assessment of negotiating models (Chapter Eight), a more useful primer on successful argument strategies (Chapter Nine) and a very short, even superficial attempt to typify chief negotiators and other members of negotiating teams (Chapter 10). The four annexes to the text outline interesting and useful role play activities suitable for tertiary students and professional groups. They include a bilateral negotiation (Annex 2), a trilateral negotiation (Annex 1), a six-player multilateral negotiation (Annex 3) and a sixteen-player multilateral negotiation exercise (Annex 4). The last of these is both the most challenging and likely to allow participants to demonstrate their understanding of the key concepts and suggested strategies covered by Mühlen earlier in the book. That it also makes participants consider the crisis in Sudan is a further positive point as it necessarily pushes the likely-Western audience of the book to consider a critical international issue from the Global South.

Mühlen prefaces his text by differentiating between winning war and winning peace. The former, he argues, can be achieved with weapons while the latter “can only be reached on the basis of a negotiated settlement to which all those who are ready to contribute in a constructive way have agreed” (p. 11). There is much in the text of this volume that would aid the constructive contributors in striving towards their goal. Particularly strong sections of the text in this regard include Mühlen’s explication of basic and advanced bilateral and multilateral negotiating strategies, his differentiated and detailed treatment of the process of mediation in negotiation practice (including a focus on crisis *prevention* as opposed to crisis *resolution*) and the role play exercises found in the annexes. Similarly strong are the two opening chapters that develop concepts from simple definitions through to fully operationalised cases supported with examples drawn from the author’s considerable experience. Also worthy of mention is Mühlen’s humorous writing style which does not detract from the seriousness of his topic but rather enhances it.

The most significant problem the reader will have with the book has nothing to do with Mühlen’s argument, his examples or the manner in which he deals with the theoretical and conceptual issues relating to international negotiations. Instead it is the consistent frustration encountered with the layout and printing of the physical book that distracts the reader from the author’s message and which only serves to detract from the utility of the monograph for the interested reader. In every chapter and, in some sections, on almost every page there are either errors in English grammar or punctuation, strange layout choices, body text choked by the choice of a two-column layout (a narrow column runs down the edge of each page allowing Mühlen to highlight key terms, points and concepts), sentences that finish with ellipsis rather than a full stop, or other similar issues. All serve to divert the reader’s attention from the argument at hand and diminish the impact of an otherwise very useful text. *International Negotiations* has already entered its second edition in

German and, with attention to such details any future editions of the book in English will be much more likely to penetrate the native-speaker audience.

Alexander Mühlen has spent a lifetime negotiating at the international level and this practical experience shines through in his work. In concert with this practical experience, though, is his strong academic background in the field. Mühlen writes with both the wit and wisdom of a man who has been witness to any number of negotiated settlements in his career and who is keen to ensure that a new generation of negotiation experts emerge to take his place. Mühlen's book provides the student and scholar with the key foundational notions, strategies and tactics by which to succeed in an international negotiation and this reviewer cannot help but conclude that success is the likely outcome should the reader choose to heed Mühlen's advice.

Graham Smith, *Democratic Innovations: Designing Institutions for Citizen Participation* (New York: Cambridge University Press, 2009)

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Resurgence and reappraisal of democracies and democratic ideals in the 21st century has surely received its due share of academic attention. However, growing discontent with the existing forms and practices of representative democracy has facilitated the emergence and revival of ideas of deliberative and direct democracy. As a critical examination of the existing practices of 'democratic innovations', Graham Smith's book is a systematic and coherent collection of previously disengaged thoughts, practices and criticisms that were under-analyzed in the literature. Moreover, as a unique amalgam of democratic theory and new practices, it is the first comprehensive study of the different forms of democratic innovations.

As the title itself reveals, the volume on *Democratic Innovations: Designing Institutions for Citizen Participation* is mainly concerned with the 'institutions that have been specifically designed to increase and deepen citizen participation in the political decision-making process' (p. 1). The question that follows from Smith's main concern is whether institutions, such as participatory budgeting, mini-publics, direct legislation and developments in e-democracy, actually fulfill the expectations of contemporary democratic theories. The author argues that the theories of participatory democracy, deliberative democracy, direct democracy, difference democracy and cosmopolitan democracy all contain limitations on the range of institutions that can be analyzed and significant elements of democratic practices can be overlooked if the theories are applied imprecisely.

The body of the book is divided into four main chapters, each analyzing a different form of democratic innovation (popular assemblies, mini-publics, direct legislation and e-democracy) and each applying the same democratic ideals (inclusiveness, popular control, considered judgment and transparency) as the goods by which democratic innovations should be evaluated. Smith firstly focuses on three distinct forms of popular assemblies: participatory budgeting in Porto Alegre, New England town meetings and Chicago Community Policing (CCP). He finds that although the CCP and New England town meetings do tend to achieve most of the goods put forward in the theoretical framework, they cannot be applicable at higher levels of authority. They stand in contrast to the achievements of the Brazil's Participatory Budgeting which somehow manages to engage a larger number of citizens through open popular assemblies and include disadvantaged groups of citizens who participate because there is a tangible return on their invested time.

Chapter three focuses on the forums that are constituted through a (near) random selection: mini-publics. As the prime example, the Citizens' Assembly on Electoral Reform in British Columbia is assessed as the form of deliberative participation that can satisfy the requirements of inclusiveness and considered judgment (pp. 70-71). However, as the implementation of the conclusions reached within mini-publics is not always guaranteed and the wider public could be uninformed about the whole process, this practice cannot always fulfill the requirements of popular control and transparency (p. 70). While this may be true, one of the possible applications of mini-publics, mentioned by Smith, deserves special attention. As the way to include 'ordinary' citizens in the political process by random selection and by creating a group of citizens that are representative of the population, this type, if formalized, could be utilized in solving the controversial issues that are sidelined by the authorities (p. 109).

Chapter four focuses on the forms of direct legislation: popular referendum, citizen initiative and legislative referendum. Smith concludes that these practices are congruent with the goods of inclusiveness and popular control. Finally, chapter five follows the developments of e-democracy. Since e-democracy is a recent phenomenon, Smith finds that it is difficult to assess the achievement of the goods in these situations. It is still unclear what a good e-democracy would be, since there are varieties of possible applications (p. 188). In brief, he analyses several forms of e-democracy (ICT Town Meetings, open and restricted discussion forums, online deliberative polling and e-voting) which are actually ICT (Information and Communication Technologies) versions of forms of democratic innovations he evaluated in the rest of the book.

In spite of the remarkable review of the scholarly achievements in this field and the elaboration on the practices of innovation, there are several questions upon which Smith does not elaborate sufficiently. Specifically, there are several other

dimensions of democratic theory that could also be incorporated into his theoretical framework. Rule of law, government autonomy, and civil and political freedoms are some of the dimensions that are considered essential for democracies and the influence of democratic innovations on these dimensions should also be taken into consideration.

Furthermore, as Wampler (2004) argues, it is unclear why nobody is interested in the trade-off between deeper citizen participation and their effects on the autonomy and functioning of governments, parties and politicians. The relationship between the institutional preconditions and the effectiveness of democratic innovations has not been studied at all. Would it not be relevant to see whether a specific system of government enables a specific type of democratic innovation? For instance, the uniqueness of Switzerland's institution of referendum with the enormous number of initiatives and large popular input may not be easily achieved in other systems.

The second issue is related to the vague definition of the effectiveness of the innovations. Smith focuses on the development of the theoretical framework and evaluates innovations within that framework. However, his understandings of popular control or transparency are so broadly understood that they can hardly be empirically tested. So it remains unclear what effective democratic innovations are. The next step would be to develop measures of the quality of democratic innovations so that the benefits and shortcomings of the innovations can be evaluated empirically across countries.

In the explanations of inclusiveness Smith often refers to the classical theories of political participation. Being concerned with the representation of all relevant groups throughout this book and within all of the forms of innovations he examines, his assessments always start with the problems of unequal participation. Role of active facilitation emerges as one of the main explanations of the inclusion of usually disadvantaged groups in society. Smith focuses on the role of the facilitator within the activities analyzed, such as moderator of the mini-publics, and concludes that the explanations of different patterns of the inclusion of all 'voices' can be traced back to different types of facilitators. Although this conclusion is novel in the context of democratic innovations, participation theory has found early on that one of the reasons why people do not participate is because nobody asked them to participate. Furthermore participatory models developed in the late eighties have thoroughly analyzed the influence of political mobilization (such as Rosenstone and Hansen, 1993 and Verba, Scholzman and Brady, 1995.) It can be said that other potential explanations of participation in traditional channels of influence (voting, demonstrating or petitioning) can also be introduced in the examination of democratic innovations. Moreover, careful investigator would try to examine different natures of old and new forms of political participation and draw

conclusions from the similarities and disparities found. This could well be the next step in the research on democratic innovations.

Although it does have several shortcomings, Smith's work should be complimented not only because of the pioneer attempt to offer a systematic framework and comparison of the existing forms of democratic innovations but also because it enriches the reader with practical and theoretical issues at stake and broadens readers understanding of the topic that will certainly receive more attention in the future.

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Mojeed Olujinmi A. Alabi and Wahab Olasupo Egbewole (eds.) *Perspectives on the Legislature in the Government of Nigeria* (Kingdom of Morocco: African Training and Research Centre in Administration for Development, 2010).

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The legislature remains an important institution of democracy worldwide. It is the home of the elected representatives of the people and often largely responsible for law making, budgeting as well as overseeing the powers of the executive. In Africa, as elsewhere in the Third World, parliaments have had a checkered history. The executive arm of the government, more often than not, has monopolized political space, normally through excessive ruling party discipline, thereby undermining the powers of legislatures. Yet some countries in the region have experienced a history of military coups with the consequence of halting democratic practices and the functions of legislatures. Nigeria is one country in which military coups became the order of the day. With the restoration of democratic governance in Nigeria, the newly instituted legislature is a clear symbol that distinguishes democratic governance from the authoritarian past. *Perspective on the Legislature in the Government of Nigeria* is a much needed study to understand how this institution functions in a nascent democratic nation like Nigeria.

The authors of this volume contend that the Nigerian legislature is under-studied. Most scholarly works concentrate on other organs and institutions of the Nigerian

government. This lack of interest is attributed to two major factors, namely, the absence of taught courses on legislative studies as a distinct field of scholarship in many universities as well as the experience of continuous military rule in the country, particularly during the First and Second Republics. As a general rule, military regimes are inimical to democracy, its institutions as well as its teachings. The authors argue that these circumstances made the study of legislature as an institution of governance naturally suffer scholarly obscurity. The main purpose of *Perspective on the Legislature in the Government of Nigeria* is therefore to fill this gap in the literature.

With ten chapters organized into two parts and an introduction, the book focuses on understanding the origin and development, powers and functions, processes and traditions as well as problems and challenges of the legislature in Nigeria. Nonetheless, the authors of this volume admit that the book is not exhaustive on the subject matter it addresses. One of the key areas which is beyond the scope of this book, yet which remains important, is the legislative business in relation to Nigerian constitutional law and politics. Similarly, the conclusions drawn by contributors remain tentative owing to the relatively short period (1999-2009) that the legislature has existed and operated.

The book situates legislature in a solid and broad context worldwide. It draws from principles and practices in the Western world, particularly the British and the American traditions. It also includes other trends in legislatures beyond these two states. Thereafter, the volume deals with thematic areas of the legislature in Nigeria. These include its powers, judicial review, impeachment procedures, anti-corruption, intra-governmental relations, and public crime investigation. The contributors do an excellent job in communicating their subjects. They present convincing discussions which are backed by laws and decided cases making the analysis rigorous and solid. Most of the times authors of this volume were able to supply rich information and examples to delineate the theoretical and practical aspects of the legislature in Nigeria.

The core message which runs through almost all of the chapters of this volume is simply separation of powers, and checks and balances among the institutions of the government. The authors find that sometimes the powers of one institution tend to conflict with others, thereby jeopardizing the principle of separation of powers. They further posit that the cause of democracy, political stability and the rule of law is better served by accommodation rather than by competition between and among the institutions of the government. Comparatively, however, the volume argues that the legislature plays a unique role on democratic governance in Nigeria. Yet in executing its functions, the legislature faces some challenges and limitations. These may include, but are not limited to, the constitutional deficiencies, lack of integrity by legislators, undue executive interferences, weak institutional capacity of the

legislature, corruption, and the nature of the Nigerian state itself. It must be understood that these challenges are not unique to Nigeria but are a common phenomenon in almost all legislatures in the Third World.

Nonetheless, the volume contains three methodological faults. To be sure, the book claims to employ a multi-perspective approach from scholars of different and varying backgrounds on diverse aspects of the legislature in Nigeria (p.3). Contrary to this expectation, I find the volume relying much on a legal perspective. As one can see, the entire volume is full of statutes and case law making it difficult to comprehend by a non-lawyer. Yet, the diversity of scholars who contribute to this volume is not seen, the majority of them have a strong background in jurisprudence while few of them are political scientists (p. vi-viii). A further weakness is that throughout the volume the concept "democracy" is used several times without definition. Since the subject matter of this book is essentially premised on democracy, it was imperative that the concept is made clear to the reader. I have to highlight that since its birth in the Greek city-state of Athens, the concept has posed confusion. Simply put, democracy means different things to different people. A clear definition would allow one to appreciate the extent to which Nigeria, through its legislature, promotes democracy.

The last problem is related to the theoretical framework for analysis. As explained, the standards and practices from the United Kingdom and the American tradition set the stage for discussion. The authors do not spell out clearly which mode of practice guides the book. By stating that the trends elsewhere enable the readers to better appreciate the dynamics and challenges of legislative business in Nigeria, as are highlighted in different chapters of the book, in the light of experiences and observable trends in other jurisdictions, the book faces the risk of using different trends of standards for different chapters (p. 15). This poses methodological difficulties to ascertain the extent to which the Nigerian legislature fares. Yet, it distorts the theoretical flow of the book.

I should pose here and state that the *Perspective on the Legislature in the Government of Nigeria* is a welcome piece of scholarship. Indeed it addresses contemporary practices and challenges of a legislature in a state of the Third World. It does well in carrying out its objective of fulfilling the literature lacuna on the legislature in Nigeria. The themes of the volume are well selected and arranged to reflect its title. Despite the pointed shortcomings, I find the volume useful to students of politics and law, practitioners, democratic activists, and politicians.

Upendra Chidella, Parameshwar Rama Bhat and Vikram Singh Sirola, *In defense of liberal-pluralism* (Newcastle-upon-Tyne: Cambridge Scholars Publishing, 2009).

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Diversity of opinions, claims and actions are an undeniable fact of any society. There were many books devoted to the discussion of the ways in which diversity should be treated. Kantian and Neo-Kantian philosophers appealed to universality of reason and higher-order values, Rawls appealed to equality and justice. The authors of the book claim that both arguments are not enough to provide a background for the interpersonal framework, they see a solution of the problem in liberal-pluralism which essentially combines Kantian and Rawlsian arguments. They argue that the key to the problem is reasonability which should be based on principles of equality, justice, rights, fairness, cooperation, reciprocity, and tolerance.

The starting point of their speculation is that pluralism is one of the most essential conditions of the multi-agent context. The authors made an interesting attempt to accommodate plurality within the framework of liberal theory, coming to the conclusion that it is necessary to free pluralism from the charges of moral insignificance (p. 251). According to them, liberalism as it is described by Kantian and Neo-Kantian moral philosophers violates the plurality condition with reference to universality of the rationality, values, higher-order principles, and impartiality.

The first chapter of the book is an introduction to the main problems of interpersonal framework. It provides an analysis of the conflicts connected with the choice, life-projects, value-claims and multiple rationalities preparing a reader for possible solution which is liberal-pluralism. The main statement of the chapter is that plurality should be the central concern of moral philosophers and that morality has to be understood with respect to multiple rationalities. The nature of interpersonal framework is discussed in the second chapter, "Understanding the Interpersonal Question." Their speculation touches upon the conflict of rights, freedoms and interests of an individual and others in multi-agent context examining theories of Kymlicka, Raz, Gewirth, Nozick and Dworkin. The main contribution here is that self-actualization as such cannot avoid agent-relative choices and values.

In the third chapter, "A Critique of Moral Foundationalism" the authors discuss the incapability of unconditional morality to handle interpersonal conflicts. The authors provide an alternative way of approaching morality in the interpersonal framework; they argue that moral principles should value moral differences, acknowledging the existence of rights of others in the context of agent-recipient relationship. This part of the book essentially repeats and develops ideas expressed in the first two chapters. The fourth chapter, "Justificatory Liberalism: Impartiality and

Reasonableness," which is the most satisfactory and challenging part, examines Kantian and Neo-Kantian perspectives on interpersonal conflict resolution. The authors critique the Kantian principles of impartiality, neutrality as unreasonable. Instead they propose to base morality on the principles of cooperation and fairness.

In the fifth chapter, "Justificatory Liberalism: The Limits of Proceduralism," the authors elaborate on relationship between liberalism and pluralism. In this part they turn to concept of toleration and claim that it is an act of promoting justice which helps to handle interpersonal conflicts (p.210). The last chapter, "Moral Pluralism," looks for rational basis to resolve all differences from the point of critique of Universalistic morality. It gives a general description of liberal pluralism as well as an extensive analysis of theories of Kekes, Plaw, Sen and Berlin.

On the whole, the book presents an innovative approach to interpersonal conflict and introduces an interesting solution to the conflict based on liberal-pluralism. The authors argue that to handle the conflict it is necessary to turn to a liberalism which acknowledges the importance of multiple rationalities, considers principles of basic liberties and substantive freedoms. Their perspective on conflict resolution proposes to keep "substantial pluralism as a persistent condition, where minimal objectivity is not put outside the pluralistic moral framework" (p. 27).

The emphasis on multiple rationality has an extreme importance in the context of multiculturalism as a feature of modernity. Nowadays in situations of integration of immigration population, indigenous peoples, especially modern Western countries, experience some difficulties with finding a way to treat the diversity. Thus, the innovative liberal pluralistic approach could be seen as a possible way of looking at the modern heterogeneous societies. The innovative, fresh and interesting approach, proposed by the authors, perfectly accords with modern development of human rights protection; it also goes hand in hand with today's Western discourse over minority representation or immigrant population policies.

Together with extensive and fresh critique of modern moral philosophies, the book provides deep and adequate critique of Kantian philosophy. The critique rests not on the surface of Kantian moral philosophy, but questions the very basis of Kantian moral principles: its universalistic approach to rationality. Moreover, the book provides a very sophisticated critique on the classic liberal theory which, during a long time, was considered to be the very philosophical foundation of modern Western ethics. The success of the book is that the authors not only diagnose problems within previous theories, but also propose their own alternative and innovative theoretical solutions which perfectly suit modern liberal trends and the struggle for human rights all over the globe. Thus, the theory proposed in the book could be perceived as potentially applicable.

On the other hand, the approach presented in the book could be seen as an ambiguous one. First, the book provides an extensive critique of classical moral philosophy and the only solution they come up with is a combination of different elements of classical moral theories of Kantians, Neo-Kantians and Rawlsians. Second, the solution of problems occurring within the interpersonal framework which is based on principle of plurality of moral values could be criticized for its simplicity. Third, arguing for wrongness of universality *per se*, the authors insist on liberal-pluralism as universal moral value for the modern society which could be seen as contradictory to their original motive which was to overcome Kantian universalism. Moreover, some practical examples and less abstract way of speculation could have made the book more accessible for broader range of readers.

Summing up, the book is a challenging theoretical speculation on liberal-pluralism with the main emphasis on value claims, plurality, public and private morality. It also suggests the possibility of applications for political philosophy where certain implementations of the theory in practice are considered. The book is worth reading for senior students in ethics, philosophy, political philosophy or normative political theory; for people less advanced in the topic it could be hard to read and too abstract to get the main points. Overall, the book is well-written and a prepared reader can easily follow the main ideas. Despite the missing explanatory elements, people interested in moral philosophy, political theory and ethics will find the book very interesting, stimulating and useful reading.

Larbi Touaf and Soumia Boutkhil (eds.), *The World as a Global Agora: Critical Perspectives on Public Space* (Newcastle Upon Tyne: Cambridge Scholars Publishing, 2008).

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Public spaces have for centuries played an important role in the formation and development of societies, both as a physical space for gathering and debating, as well as a symbolic notion representing the core values of democracy. Such places have developed in a way that reflects the beliefs, public values, as well as the culture and a sense of community for the inhabitants of many areas. Public spaces remain a crucial concept in many developed and developing societies, as well as a vital component of the more traditional communities around the world. Nevertheless, as our ever more globalizing and liberalizing planet continues on its path of economic commercialization, privatization and subtle fragmentation, public spaces begin taking on new appearances. As public spaces form and deform under the influence of the present day media and information technology, they seem to morph into a

new concept, slowly losing their initial shape and purpose, while nonetheless remaining a fundamental principle of participatory democracy and an essential component of public life, regardless of what shape they take. Modern developing and traditional societies all tend to continue valuing the symbolic significance of public space, as it is grounded in the "collective socio-political consciousness as the basis for a general sense of civic action." (pp. xi). This is the common denominator for the essays on architecture, sociology, gender, and literary criticisms that place themselves around the debates about the concept of public space presented in *The World as a Global Agora: Critical Perspectives on Public Space*. The essays presented in the book originate from a two-day conference on public space, held at the Faculty of Letters at Mohammed I University in Oujda, Morocco in 2007, in itself a significant event as it was being held in a country with no historic precedents of such institutions.

The book is divided into five parts - Configurations of Public Space, Socio-Cultural Transitions, Being Other in Public Space, Re/inventing Public Space, and Moroccan Women in/and the Public Space. Composed of twenty-one chapters by academics specializing in the fields of linguistics, literature, cultural studies, urban regeneration, urban design, urban growth, architecture, and environmental management, from universities in the United States of America, United Kingdom, Canada, Portugal, Germany, Italy, Turkey, and Morocco, it also includes an introduction by one of the editors, Larbi Touaf. The multicultural and professional patchwork of the authors leads to an interesting and varied collection of perspectives. It is not a conventional academic collection of works, as the pieces vary both in style and approach to the issues they discuss. Some chapters provide analysis of literary pieces, such as chapter eleven and all of Part Four, which is dedicated to the importance of literature in public spaces, as literary discussions, in essence, largely contributed to the creation of public spaces. Other chapters provide personal accounts of the authors, in the form of a short personal memoir rather than an academic account, as is the case with chapter eight, or for example an individual case research presented in chapter four. The collection also contains a summary of preliminary results of a conducted research project in chapter nine, while many chapters focus on the analysis of social implications linked with public spaces. Although it is occasionally hard to clearly see the connection between some of the discussed issues to the broader topic of public spaces, as it is not directly stated and in some chapters not even mentioned, they do nonetheless discuss important changes in societies, cultures and politics taking place across the globe. Almost every chapter attempts to open a debate on elements that reframe the vision of the world or public spaces, providing interesting and insightful analysis, case studies, or projects.

The different approaches present in the book contribute to a well-rounded and diverse piece that provides the reader with an interdisciplinary perspective on the

notions of public spaces. The variety of topics offers the reader an array of viewpoints, all attempting to be centered on the main idea of the importance of public space in today's societies. The book aims at civil society as a whole, and anyone and everyone interested in the topic of public spaces. Most of the chapters are an easy read for an audience lacking knowledge on the topic, moreover, presenting enough material useful for someone working within or studying the field, making it an informative read for academics, policy makers, public sector workers, and students. Thus, the book attempts to deliver a multidisciplinary approach; some readers might see it as definite advantage, while others might find some chapters unnecessary or inconveniently academic.

Although an attempt at a truly global coverage can be witnessed in the compilation, it seems to be largely focused on Morocco, perhaps due to the location of the conference that inspired the creation of the book. Even though the importance of the European approach to public space was mentioned, it was never fully discussed as extensively as other individual cases of other countries were; as the supranational influence of the European Union is increasing, a further analysis seems an appropriate addition to the book. Furthermore, Asia remained a completely uncovered continent, just as the post-Soviet space and Central Europe.

Although the basic information on the various aspects, debates, and issues pertaining to public spaces is well presented, and often based on field research of the authors, the occasional grammatical errors make certain aspects more challenging to understand than need be, while typographical faults and minor mistakes in titles seem unnecessarily bothersome and challenge the credibility of the publisher. Moreover, the use of Wikipedia as a reference source in chapter two, even for basic facts, seriously discredits the chapter for future academic use and referencing. The citations for this source were incorrect¹ as well, causing one to question the credibility of the remaining references within the chapter.

Overall, *The World as a Global Agora* provides a rich insight through the deep and varied approaches and viewpoints of its contributors. The book's chapters provide perspectives from architectural, environmental, literary, sociological and gender studies perspectives on the important issue of public spaces, bringing attention to an assortment of matters associated with it. It offers interesting and new ways of looking at the notion, providing a valuable addition to the academic study of the topic in the fields that it attempts to cover. In general, it is a compilation of the most diverse pieces, approaches and topics, in one way or another related to the broad notion of public spaces.

¹ For actual references to Wikipedia within the text see p. 18, "Finnish Parliament Annex Building" and p. 20, "Scottish Parliament Building". However, the only Wikipedia reference presented in the works cited was one referring to the Bundestag, which was not used in the text.

Silja Häusermann, *The Politics of Welfare State Reform in Continental Europe – Modernization in Hard Times* (Cambridge: Cambridge University Press, 2010)

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Human imagination is more easily captured by spectacular, one-off events than by more long-term, but equally important processes. Social scientists cannot completely escape this fascination with sudden changes and ruptures either. Usually they are more concerned with revolutions and rapid overhauls of social systems (like the Thatcherite reforms) than with “longue durée” phenomena. Their bias is reinforced by practical considerations as well: when studying interruptive events, it is easier to distinguish between new and old, between “innovators” and “conservatives”. When it comes to long-term transformational dynamics, it may be difficult to recognize change at all. Boundaries between the old and the new are often blurred, and traditional and newly emerging institutions may coexist. What can be even harder is to explore the causes of the change and the role that different political actors played during the process. Despite all these difficulties, there are a few promising works that deal with long-term transformations of socio-political systems. Silja Häusermann’s book, *The Politics of Welfare State Reform in Continental Europe – Modernization in Hard Times* certainly belongs to this group.

Häusermann challenges existing views on continental welfare states and demonstrates that in the last 40 years these systems underwent fundamental transformative reforms, which made them more adapted to post-industrial challenges. She claims that welfare regimes were successfully adjusted not only to fiscal austerity but also to new socio-cultural circumstances. Even more importantly, she also explains the causes of success: socio-structural change has led to a more diverse interest structure within the society, and opened up the space for politicians to build cross-class reform coalitions in a multi-dimensional policy space. The book focuses on pension reforms in three continental welfare states (France, Germany and Switzerland), but its findings are relevant in the context of other welfare state domains (Häusermann briefly discusses family policy) and other European countries as well. In the first chapters of the book Häusermann builds a thorough theoretical framework that she subsequently supports with in-depth case studies. The case studies include the systematic analysis of welfare reform legislation and actor’s positions. The qualitative tools are assisted by the factor analysis of actor positions on different reform dimensions through consecutive reform rounds.

Häusermann opens the book by stating that continental pension regimes became dysfunctional in the wake of transformative economic and social developments that started in the 1970s. These regimes were created in an era of full employment, demographic stability and traditional family structures. Increasing austerity and

post-industrial social change (atypical labour market participation, changing gender roles) meant that these systems had to satisfy new demands from less resources. What puzzles Häusermann is that despite the expectations of previous theories on welfare state modernization, continental regimes were efficiently reshaped to handle these new challenges. She takes issue particularly with the branch of institutionalist literature (most prominently represented by Paul Pierson) that predicts policy stability as a result of path dependency and the high influence of vested interests.

Put it in the simplest terms, Häusermann argues that post-industrial class structure and austerity were not only responsible for the crisis but also created the conditions for reform. First, a post-industrial society is more fragmented than its industrial predecessor, as conflict lines are not exclusively built on class, but also on skill differences, on the insider-outsider division of the labour market and on cultural value divides. These conflict lines are cross-cutting and attached to different dimensions of pension reforms, which enables coalitional engineering. According to Häusermann, dimensions of pension reform include insurance, capitalization, targeting and recalibration. Insurance reforms are concerned with the general financial viability of the system. Here, conflicts clearly centre on the capital-labour divide, as capital is interested in lowering redistribution, while labour defends existing rights.

Capitalization denotes the transformation from a state-owned, universal, contribution-financed PAYG (pay-as-you-go) system to a more individualized one, based on personal savings in capitalized pension funds. Although one might assume that labour will uniformly reject the demolition of socialized pension schemes, Häusermann proves that in the case of capitalization, conflict lines are drawn not between labour and capital but between high and low-skilled sectors. Skilled, well-paid employees and their employers are ready to opt out from the state pension system, while those sectors which employ low-skilled workers are much more dependent on the redistributive PAYG-system.

Targeting and recalibration are both about the inclusion of labour market outsiders into the pension system. Targeting reforms help those who are atypically employed or have patchy employment record – e. g. women who were employed full-time only for a couple of years, then stayed at home bringing up their children, and afterwards took a part-time job – and therefore would face eligibility problems. Recalibration is similar, but it deals with the pension coverage of total labour market outsiders (e.g. single mothers who were never formally employed). As it became clear from the examples, the insider-outsider conflict that accompanies targeting and recalibration reforms is also closely connected to issues of gender and cultural values. Traditionalists defend the status-quo of contribution-related

pension rights for labour-market insiders, while libertarians support the decoupling of pension rights from work.

The conflict lines summarized above are only potential ones, and their actual appearance depends on country-specific factors. Recalibration is not an issue in France due to high female labour market participation. In Switzerland, capitalization is off the agenda, as the Swiss opted for a multitier pension system already in the 1970s. Germany is the prototype of a challenged continental pension regime as it displays the full spectrum of post-industrial pension reform dimensions and conflict lines. Nevertheless, as Häusermann contends, policy makers in all three countries had the possibility to combine at least three of these reform dimensions into packages, thereby creating a multidimensional policy space in which cross-class alliances could be forged and enough support could be gathered for reforms.

Rather counter-intuitively, austerity also increased the chances of coalition building. A friend in need is a friend indeed, but Häusermann demonstrates that the politics of welfare state reform is hardly about friendship. In hard times, when resources are scarce, constituencies find themselves in a zero-sum game and they easily back off from intra-class solidarity, leave fair weather friends and join new coalitions.

Although Häusermann's approach is structuralist in most parts, she also considers the role of political institutions in translating structurally given actor preferences into policy outcomes. She highlights the interaction of coalitional flexibility and the number of veto players as the most important institutional factor that determines the success of coalitional engineering. However, even in the most problematic case of Germany – where low coalitional flexibility among parties and corporatist actors was combined with a large number of veto players – reforms took place, though sometimes in quite surprising settings (e.g. after fierce resistance the green-red coalition took a U-turn and started to embrace the radical overhaul of the system.)

Häusermann's claims are very appealing and aptly supported with empirical evidence. She builds a complex model, but she is able to convey her ideas clearly and logically. Informative figures and tables also help readers in understanding the main points. I only want to make one critical remark, regarding a possibly omitted variable. The thoroughness of the argument is impressive, but I think that Häusermann omits a possible and relevant conflict line, namely the intergenerational one. Quite paradoxically, she doesn't even mention pensioners' interests in a book dealing with pension reforms. Nevertheless, it is a truism that continental European societies are not only post-industrial but also old. Pensioners are not organized collectively, but they are certainly the most numerous voting group the needs of which cannot be overlooked by politicians. Even if it really seems that intergenerational conflict line did not emerge so far as a decisive one, it would have been very reassuring to see an explanation for this.

On the whole, though, Häusermann's book makes a real contribution to comparative welfare state research. It is highly recommended not only for experts of the field but also for policy-makers and for those who are interested in the process of how complex social systems can be reformed.

Abrajano, Marisa A. and Michael R. Alvarez, *New faces, new voices: the Hispanic electorate in America* (Princeton: Princeton University Press, 2010)

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In recent years, politicians and researchers in the United States have become more aware of the importance of the Hispanic electorate because of the ever increasing Latino population. This, in turn, has spurred a growing interest in its political behavior and preferences. In this context, Marisa A. Abrajano and R. Michael Alvarez's most recent book represents a good analysis of the largest minority group in the United States. *New faces, new voices: the Hispanic electorate in America* resulted from a research project aimed at understanding the political behavior of Hispanics in the United States since the late 1990s. Two main goals were successfully achieved in the pages of the book: firstly, to demonstrate why the Hispanic electorate is such a diverse and complex group, particularly when compared to other ethnic and racial minority groups in the United States; and secondly, to dispel some of the pieces of conventional wisdom about the Hispanic electorate, many of which have affected the way in which campaigns, elected officials, the media, and even the average American voter, perceive this group.

By undertaking a comparative analysis of the Hispanic political behavior relative to that of Blacks, Anglos and Asian Americans, the authors combined two research areas: racial and ethnic politics with studies of political behavior, which have been traditionally focused on Anglo Americans, thus contributing to the wider political science literature. The issues addressed in the chapters of the book range from Hispanic political identity and its public opinion and partisanship, to Hispanic political knowledge and its voting behavior.

To achieve the complex task of elucidating Hispanic political identity, its voting behavior and the impact this has on American politics, Abrajano and Alvarez analyze a number of surveys and polls, delivering some interesting findings. First of all, the authors uncover that the Hispanic group is extremely diverse and constantly changing, thus showing that Hispanics do not share the same historic experience and "linked fate" as other ethnic minorities in the United States. It is furthermore important to take into account the linguistic and generational differences in the

Hispanic population with regard to the link between ethnic identity and political attitudes.

Regarding public opinion, the authors hypothesize that Hispanic political preferences are shaped by social, cultural and economic backgrounds in their home countries, Spanish-language media, and affinities with the Catholic Church, among others, thus differing significantly from that of Anglo public opinion. Moreover, the authors explain the low Hispanic turnout in presidential elections, in spite of this group's high population growth, with arguments such as the high non-citizenship rate of Hispanics and its relatively unfavorable economic position. Through the analysis of surveys' responses, the authors try to assess the reasons for the lower levels of Hispanic political knowledge. They argue that immigrants face different ways of acquiring this knowledge, since many of them were not born in the United States and furthermore do not learn about American politics from their parents. Finally, an overview of national general elections ranging from 1992 until the 2006 midterm election provides a good analysis of the data that shows the trends in the Hispanic voting behavior. Moreover, the postscript about the 2008 election highlights the importance of the Latinos' votes for McCain and for Obama.

In general, Abrajano and Alvarez's book is distinctive in that it covers a topic that has often been relegated in political science research: Hispanic political behavior in the United States. It therefore richly contributes to the scarce literature on Hispanic political participation in this country, since it shows how unique the dynamics of this group's turnout are. It is not difficult to elucidate the importance of such a research for Political Science studies, given that the United States is one of the biggest democracies in the world and since its Hispanic community is growing every year and has thus an increased prominence in American politics. It is consequently crucial, not only for researchers, but also for political parties and candidates, to understand how Latinos behave politically.

The book has the ability to arouse interest in the general public because it presents to the reader a good overview of Hispanic political behavior and of how it differs from that of Anglos and other minority groups in the United States. Moreover, it will prove particularly illuminating for the specialist seeking to understand Latino political behavior in the United States, its roots, its evolution and perspectives for its future analysis. The distribution of the chapters leads the reader smoothly into understanding the Hispanic electorate by combining theoretical perspectives with a comparative empirical analysis. It has furthermore the virtue of being written understandably and of providing recent empirical data from surveys and polls.

As mentioned before, the authors start from the assumption that Hispanic political behavior is essentially different from that of the other groups in the United States. In this sense, the authors overemphasize at times the idea of a distinct Hispanic

identity as opposed to that of other racial minorities in the United States. It is worth mentioning that as much as such an assumption provides a practical way to deal with such a wide phenomenon with a simple explanation, it is nevertheless important to have in mind that the so-called "Hispanic" group is quite heterogeneous and that, as American citizens, Latinos may sometimes find more common ground with other American minorities with the same lifestyle and economic situation than with other members of the Hispanic group. Furthermore, after reading the book, the audience is unequivocally led to ask why only a small share of the Hispanic voting-age population participates in elections. But although the authors mention the differences in Hispanic turnout as compared to that of the Anglo and the Black groups, they do not deal comprehensively with the reasons for this phenomenon, as well as with the structural barriers to a higher Hispanic political participation.

Despite the general problem of lack of quality data on Hispanic political behavior, the authors utilize the few available data sources, such as surveys and exit polls, to provide a good quantitative analysis. Nevertheless, the quality of the research would have improved significantly if the authors had gathered their own quantitative or qualitative data, since this would have led to more significant results.

Because of the quality of the research presented in this book, it can be recommended as an innovative approach to studying Hispanic voting behavior in the United States. It also sheds light on the complexity of this issue and on new ways of studying ethnic political behavior. As one of the authors' main conclusions state, "the established theories of American political behavior (...) need to be revisited when we think about the new politics of Hispanic political behavior." (p. 14), thus leaving the answers to many questions for future researchers on the subject.

Bonnie Honig, *Emergency Politics* (Princeton: Princeton University Press, 2009)

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A wide debate about emergency politics in democracy is particularly welcome in a period in which long-lasting concern about security in the Western world is now coupled with an economic crisis whose effects are still not clear and whose development are unforeseeable. This new contribution, written by Bonnie Honig, is hence highly interesting as it tries to disclose the links between the normal democratic politics and the discretionary politics which occurs in emergency situations.

The book is divided into five chapters, with a long introduction in which the author presents the main theoretical elements of the book. In chapter 1, Bonnie Honing discusses the paradox of politics – defined as the necessary dichotomy between the heterogeneous nature of citizens as multitude of single human being and their unitary nature as deliberating body. This paradox is the main analytical tool used throughout the book to describe democracy. Chapter 2 presents the author's position about rights: in sum, these are elements which change within a polity, and cannot be derived from natural or transcendental characteristics of men. Chapter 3 is a detailed discussion about the blurred borders between the rule of laws (rights) and the rule of men (discretionary power). Chapter 4 presents a specific case study, in which rights emerged as an act of will of the political power. Chapter 5 presents the crucial question of the relevance of boundaries; the core of this chapter is the morality of boundaries and national belongings. The most relevant conclusion of this chapter, in our opinion, is that in this frame, the state of emergency (by suppressing in some cases national boundaries) has been a way to extend rights, not to reduce the enjoyment of them. This last chapter is likely to be the most interesting for a European audience: it can help us to understand theoretically more in depth the nature of the Schengen process, its worth and its possible development.

Despite the title of this publication referring only to emergency, the book has a wide view over crucial issue of contemporary debate, as we have seen: rights, power, and the origin of political power are all crucial topics covered by this book. In our opinion, a particular strength of this publication is its consideration of Rousseau's paradox of politics as relevant not only to the foundation of a polity, as it is usually intended, but as an unsolvable dilemma common to every democratic community. "The paradox of politics is not soluble by law or legal institutions, [...] the paradox teaches us the limits of laws and call us to responsibility for it" (p. 3).

The author suggests us that democracy builds better men, while at the same time better men build a better democracy. As is clear, this is a circular relationship amid the two elements. In the end, this challenging use of paradox of politics (as well as other paradoxes) gives to the reader a peculiar conception of democracy: the latter is intended as a process, not as a set of rules, and this process is pretty much deprived of any prescriptive meaning. Democracy is nothing more than an institutional structure in which the people express a vote: as the extent to which liberal principles are embedded in democratic practice vary heavily among different political settings and policy arenas, a democratic politics of emergency is possible – although emergency can be intended as a moment in which democratic safeguards are suspended.

This conclusion is not new, but here it is used with a particular meaning: acquired standards - in human rights, for example - do not depend upon any kind of natural

law, or natural quality of men, but derive instead from conscious institutional decisions. In sum, democracy has no particular contents, which can be identified *a priori*. On the contrary the author seems to suggest that it is always possible and legitimate to step back and tear apart rights previously acquired. This does not necessarily violate the democratic nature of a polity: in fact, “emergency politics occasions the creation of new administrative powers and the redistribution of existing powers of governance from proceduralized processes to discretionary decisions” (p. 121).

The starting point of this position is *contra* the opposite visions of Carl Schmitt – who sees in emergency situation the maximum extent of state sovereignty - and Giorgio Agamben, who consider emergency as the death of any politics. In our opinion, re-building the discourse about politics on the ground of less definitive statements is absolutely legitimate and useful. In this framework, the author tries to demonstrate that emergency shall not be seen as a moment completely detached from the normal democratic life; emergency, instead, can be seen as one of the phenomenon of democracy: this is true not because emergency shall follow strict procedures and shall be a temporary and controlled, but because democracy is in itself an imperfect construction. Emergency shall not be considered an exception to rules, but shall be seen as a part of the democratic life, or, at least, is possible to find a rhetoric of democracy also in emergency situation.

In our opinion it is quite problematic to define democracy in such broad terms. Considering the suppression of the normal civil liberties, as is common in emergency situations, and the rise of a discretionary power as simply possibilities open to the government, can be misleading: rights protection and clear procedures are, in fact, elements which are necessary in order to define a democracy. This is in our opinion the main critical point of the Author reasoning.

This book, in sum, is particularly remarkable when it shows some of the main weaknesses of democratic polities, and tries to understand the political life of a democracy as the continuous balancing of unsolvable dilemmas. Moreover, the language of paradoxes used throughout the book is particularly attractive and challenging. But it is far less convincing when it comes to conclusions: although a degree of discretionary power shall be considered necessary in any human community, we can argue that the extension of this *rule of men* shall be highly controlled and subject to strict laws, otherwise the democratic nature of a polity is necessarily at risk.

As a final remark, we can note that the prose is sometimes obscure. At the same time, the structure of the book is not always clear. This is probably due to the fact that the chapter are a collection of previously written articles, although heavily modified.

Nidhi Trehan and Nando Sigona (eds.), *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neo-liberal Order* (Houndmills: Palgrave Macmillan, 2010)

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Romani communities throughout Western, Eastern and Southeast European countries experience poverty, socio-economic marginalization with additional increasing intolerance and discrimination by the majority population. The marginalization involves exclusion from labour markets, exclusion and segregation within the education system, difficult access to services including healthcare services, extreme forms of spatial segregation; in a word, exclusion from the right to exercise active citizenship. In addition, Romani people experience very concrete security issues such as: police brutality, racism, intolerance and violent outbursts against them. With Romani issues on the rise one cannot help but wonder what politics and policy actions are taking place around those issues. Who is creating the politics, what are the roles and degrees of influence by internal movements within the Romani constituencies as well as external influences? Many of these questions are addressed in Nidhi Trehan's and Fernando (Nando) Sigona's *Romani Politics in Contemporary Europe*.

The book offers rich collection of essays treating various dimensions of the Romani politics starting with a human rights framework, gender, national and international politics, in particular European politics of the Roma and for the Roma, all the way to country-specific challenges and particularities. The essays address the structural as well as societal difficulties and challenges faced in the implementation of politics and policy both at European Union level and at a national level. Through the analysis and interviews with individuals, the book gives us an insight of how circumstances regarding the Romani issue developed and how they evolved—how politics was created and under which circumstances. Along with the politics the term Roma underwent series of deconstructions and with it the context carried by the term was transformed, influencing politics and vice versa. The book takes the reader to another realm—beyond the grass-root level analysis, beyond the anthropology/ethnology of the Roma—revealing to the reader the 'body politics'. The theoretical framework and starting point of analysis is neo-liberalism as a predominant order in the political systems of the countries that are being analyzed. One of the most striking analyses in this book is the depicting of the situation and state of Romani non-governmental organizations (NGOs). Very rarely one can find such insightful representation of the role and the actual shortcomings of the NGO sector in post-1989 Eastern and Southeast European countries. The analysis presents the donor-driven, internally competitive and unaccountable world of Romani NGOs. With certainty the arguments can be extended to the rest of the NGO sector

including both Romani and non-Romani NGOs. The structure of the Romani NGOs is often hierarchical and even more so in comparison with other types of NGOs. The greatest problem however is the lack of accountability of NGO leaders towards their own constituency: the Romani people that they represent. There exists a paradox in the NGO sector that has been cleverly noticed by the editors – organizations (NGOs) promoting democracy without being democratic in its own self-governance. In this respects, number of chapters of this book would be very useful to the reader who would like to learn more about the development and current state of the NGO sector in Eastern and Southeast European countries.

The country-specific chapters of this book represent the spectre of various Romani communities living in Western, Eastern and Southeast European countries – each of them carrying their own burden and facing different priority issues. The chapters on Romania and Slovakia are looking at the Romani politics within those countries prior to joining the European Union; while the chapters on Spain, England and Italy are representing the countries' responses (or lack of) towards the needs of the Romani communities. The interview with two Romani human rights activists, Avdula (Dai) Mustafa and Gazmen Salijevec from the Roma and Ashkali Documentation Centre (RACD) from Kosovo provides a fresh perspective on the current situation of minorities in Kosovo, in particular the Roma and Ashkali communities that can be quite eye-opening for the reader.

The book draws a sense of urgency upon the Romani issue; however, it does not address who will be the main carrier of Romani politics in the second decade of the 21st century and beyond. In one of the chapters, the interview with the Hungarian Member of European Parliament of Romani background, Viktoria Mohacsi, it is argued that the world does not need another collection of good practices and success stories of policies and projects concerning the Roma; however, one can to argue that success stories, whether they are personal or community- wide can be very inspiring. Therefore, the reader would not mind to see some examples – chapters depicting good practices and progress that has been achieved in some of the countries – members of the Decade for Roma Inclusion 2005-2015. Furthermore, the reader could benefit from a comparative analysis of the Romani politics within the older EU member states (such as France, the northern countries), new EU member states (ex. Bugaria) and countries yet to join the EU (ex. Macedonia).

Trehan's and Sigona's book of essays can be a very useful reading material not only for scholars researching the contemporary Romani question, however also for European and national policy-makers and policy analysts. It provides an insight into the current state of affairs and represents the challenges that lay ahead. One can consider this book as volume one of a series of analyses that will examine the

Romani issues in depth and will take the reader further on into the complexities of the Romani discourse and reality.

Eiki Berg, Piret Ehin (eds.), *Identity and Foreign Policy. Baltic-Russian Relations and European Integration* (Surrey: Ashgate Publishing Limited, 2008).

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For Estonia, Latvia and Lithuania, both the EU and NATO integration processes were considered as the ultimate guarantee of a definitive status quo in the European and trans-Atlantic community. As members of the two main international organizations, the danger of possible aggression from the part of the Russian Federation was significantly diminished. But, instead of a likely normalization process of the relations between each of the three Baltic States and the Russian Federation, the regional foreign affairs agenda registered consistent moments of tension. How the situation might be explained using the current repertoire provided by theories of international relations.

The volume *Identity and Foreign Policy. Baltic-Russian Relations and European Integration*, edited by Eiki Berg and Piret Ehin, is the result of a project with the same name funded by the Estonian Science Foundation, developed between 2006 and 2008, aiming to explore the influence of identity over the behaviour of states in the domain of foreign policy. The relation of the three Baltic States with Russia might offer, in the opinion of the contributing authors, a starting point for further analysis about the complex interactions amongst memory, identity and international relations at the beginning of the 21st century.

The authors of the ten chapters are academics from the region, offering insightful and first-hand accounts of the events they are covering, the diversity of the approaches being undertaken by the variety of their professional backgrounds – political science, history, international relations. The studies balance analysis of facts and episodes taking place after the collapse of the Soviet Union, with theoretical insights and evaluations.

The chapters neither intend to challenge the present-day design of international relations nor to propose innovative approaches. The theoretical framework is provided exclusively by the constructivist paradigm, according to which for understanding international relations we have to better know the social relations and the history of the societies and communities interacting. In our case-study, the weight is epitomized by the long history of conflict between each of the three countries, on one hand, and Moscow. What the reader would be curious to

document further at the end of the book is the genesis of this historical ballast into the new European and Euro-Atlantic identity: Did the entry of these countries into EU and NATO influence the relation of the two institutions towards the Russian Federation? And, another question we would like to find an answer is: what is the recent and less recent history of the relations between the three Baltic countries themselves? What are the nuances of their bilateral relations and their relationships, including by being part of various regional and international coalitions, at world's level? Are they acting united (in comparison with Estonia and Lithuania, Latvia, for instance, adopted a more pragmatic relation with Russia, maintaining a certain level of normality of the bilateral relations), according to the same regional interests – among which, the most important, consolidating their security situation in relation with Russia?

The first years of the EU and NATO memberships of the three Baltic States registered an intensification of the tensions with the Russian Federation. The causes were determined by different assessments of past events. For example, the 9th of May represents for Moscow the date of the capitulation of Nazi Germany to the Soviet Union the “Victory Day”, and for the three states the end of their independent statehood. The Red Army is considered a “liberator” in the post-Soviet historical narrative, while for the Lithuanian, Latvian or Estonian public opinion it's qualified as an “occupier”. On the other hand, with different nuances, in all the three countries, coming to terms with the Holocaust was belated by the predominant focus on asking the international institution for a global condemnation of the communist crimes. But, we want to add, this is not a specific situation of the Baltic States, but characterized in different degrees the entire former communist space, aspects not covered or mentioned explicitly by the authors of the chapters included in the volume.

The sophisticated process of post-communist/post-Soviet national identity genesis is not the exclusive domain of the Baltic States. The same process, with more dramatic consequences is still taking place in the Russian Federation, from the point of view of the repertoire of the memory politics. An extensive analysis of the last two decades of the process would offer to the reader more elements for a comprehensive landscape of the situation. In situation of deep political, social and economic crisis, the appeal to a glorious past is the last resort for restoring the coherence at the society level. If those aspects were explicitly described in the case of Latvia, Lithuania and Estonia, the studies are deficient in explaining the resorts of the “Baltic” reactions as counter-arguments to nationalist and nostalgic discourses of the Russian elites. Moscow's vocal opposition to the idea of EU and NATO enlargement to its borders created frequently, in our opinion, the base for an amplified reaction from the part of the concerned states. During the last 10 years, Moscow's position towards the two organizations didn't change and can be observed easily regarding the situation from Ukraine and the Republic of Moldova,

countries yet in process of dramatic democratic transformations. Another negative point in the volume is the lack of information regarding the existence – or not – of coherent and sustainable initiatives of “soft power” policies, aiming to replace the political dissent by a dialogue among elites regarding the need of a reconsideration of the historical conflicts. Are there any initiatives at the level of historians or cultural personalities from the Baltic States, on the one hand, and Russia, on the other hand, aiming to solve through dialogue and reconciliation the aspects generating conflict? Is there any pressure from the part of the elites towards dissipating the historical and memory-related issues from the political discourse? The reader is not provided any quantitative data or opinion polls regarding the general interest of the public on questions concerning these aspects. We don’t know, either, how the role played by the media from these countries in perpetuating the national misunderstandings and nurturing the bilateral conflicts. The preponderant focus on qualitative analysis is a serious limit to a broader approach of the memory processes and impedes the critical evaluation. And this situation might raise questions regarding the limits of the theoretical choice: before building a constructivist theory, we require a serious deconstruction of the concepts and of the context we are intending to operate with.

But beyond some information and methodological limitations, the book represents a useful resource for academics and students of foreign policy and international relations and EU recent history, more specifically. It offers part of the picture of a current situation, to be evaluated and re-evaluated during the various stages of the creation of the European identity process.

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